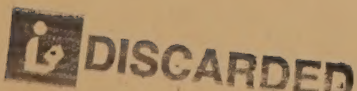
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THE

HISTORY OF ENGLAND.

VOL. IX.

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THE

HISTORY OF ENGLAND

FROM THE FIRST

INVASION BY THE ROMANS

TO THE

ACCESSION OF WILLIAM AND MARY

IN 1688.

By JOHN LINGARD, D.D.

The Sixth Edition, Revised and considerably Enlarged,

IN TEN VOLUMES.

VOL. IX.

LONDON:
CHARLES DOLMAN, 61, NEW BOND STREET,
AND 22, PATERNOSTER ROW.
MDCCCLV.

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HISTORY

OF

ENGLAND.

CHAPTER I.

CHARLES II.

THE NEW COUNCIL—PROCEEDINGS IN THE CONVENTION PARLIAMENT—TRIALS AND EXECUTION OF THE REGICIDES—ECCLESIASTICAL ARRANGEMENTS—CONFERENCE AT THE SAVOY—RISING OF THE FIFTH-MONARCHY MEN—NEW PARLIAMENT—EXECUTION OF VANE—CORPORATION ACT—ACT OF UNIFORMITY—PARLIAMENT IN SCOTLAND—EXECUTION OF ARGYLE—RESTORATION OF EPISCOPACY IN SCOTLAND—ALSO IN IRELAND—ACT OF SETTLEMENT—AND EXPLANATORY ACT FOR IRELAND.

NEVER, perhaps, did any event in the history of this nation produce such general and exuberant joy as the return of Charles to take possession of the throne of his fathers. To the abolition of monarchy, men attributed all the evils which they had suffered; from its restoration they predicted the revival of peace and prosperity. The known enemies of the royal cause slunk away to hide themselves from the effects of popular excitation; its triumph was everywhere celebrated with the usual manifestations of public joy; and the arms of the commonwealth, with all the emblems of republicanism, were subjected to the foulest indignities, and reduced to ashes. To keep alive the flame of loyalty, the royalists circulated, in cheap publications, most flattering portraits of the new king. He was described as a prince of kindly disposition and engaging manners, of sound judgment and becoming spirit, and, above all, of the most inflexible attachment to the doctrines of Protestantism, an attachment which had stood the test of temptation in circumstances the most trying and seductive. That there was some truth in these representations cannot be denied; but one-half of the picture was concealed: it should have been added, that he was easy and indolent, the votary of dissipation and pleasure, and always ready to postpone the calls of business for the attraction of the ball-room or the company of his mistresses. His advisers had persuaded themselves that the follies of the youth would be redeemed by the virtues of the man. But he had now reached his thirtieth year without amendment. He had, indeed, made promises; had more than once torn himself from the unworthy connexions to which he was enslaved; and had, on emergencies, displayed an energy deserving of that splendid prize to which he aspired. But these were transient efforts; he quickly relapsed into his former habits, and resumed with new relish the pursuit of enjoyment.

Charles, however, on his arrival,

did not suffer himself to be dazzled by the splendid prospect around him. He was aware that his throne still rested on a very insecure foundation; he saw the dangers which he had to avert, and the difficulties which he had to overcome; and he formed a strong and, as he fancied, unalterable resolution, to devote his chief attention to the business of government, and to suffer no pleasure, no amour, to seduce him from the duties of his high office. His ministers congratulated each other on the change wrought in the habits of their sovereign. But he soon began to feel uneasy under the restraint: he was so beset with difficulties from the never-ceasing claims of the old royalists and of his more recent adherents; he found himself so perplexed with the increasing multitude of affairs submitted to his consideration, that he gradually emancipated himself from the trammels, and sought relaxation in the company of the gay, the witty, and the dissolute. The consequence was, that he not only neglected his duties, but often suffered his mind to be prejudiced against the advice of his council by the sallies and sarcasms of his profligate companions.[1]

To an observant eye that council presented a singular assemblage of men, devoted to different parties, and professing opposite principles. In the first place, were seen the royal brothers, James and Henry, who owed the distinction to their birth, with Hyde the chancellor, Ormond the lord-steward, Lord Culpepper, master of the rolls, and secretary Nicholas, the four counsellors who had possessed the confidence of the king during his exile. Then came the lord-general, now created duke of Albemarle, who, by his recent conduct, had indissolubly bound up his own lot with the fortunes of the house of Stuart; Morrice, the friend and confidant of the general, and two or three others, whose chief merit was the recommendation of Monk, grounded on the promises which he had made to them during the late revolution. With these two classes Charles was advised to associate all the surviving counsellors of his late father before the war; a measure which, with a few who had faithfully adhered to the royal interests, introduced several who had maintained the cause of the parliament against that of the crown. It is evident that, on a council thus constituted, the king would look partly with distrust, partly with aversion. A remedy was discovered by the ingenuity of the chancellor, at whose suggestion the council appointed a committee of foreign affairs, consisting of himself, Ormond, Southampton, the lord-treasurer, Monk, Nicholas, and Morrice. These met for the purpose of considering the relations of the English with the other crowns of Europe; but they employed the opportunity of meeting to debate and decide, without the knowledge of their colleagues, every question concerning the internal administration of the kingdom. The same subjects were, indeed, afterwards submitted to the consideration of the whole council; but Charles had already adopted the opinion of the secret cabinet; and the dissenters were either silenced by the reasoning of the favourite ministers, or overawed by the presence and authority of the sovereign.[2]

With respect to the two houses, the king had only to speak and his wishes were gratified. As they had recalled him without conditions, so they appeared willing to lay the liber-

[1] Continuation of Clarendon's Life written by himself, 21, 49, 167. Oxford, 1759. In the subsequent pages I shall refer to this work under the name of Clarendon alone. Pepys, Diary, 37, 8vo.

[2] Clarendon, 2, 27.

ties of the nation at his feet. The Cavaliers identified their own triumph with the exaltation of the throne; the Presbyterians stood before it as repentant sinners anxious to efface the remembrance of their past delinquency; and the few who were sincerely attached to republican principles deemed it prudent to shelter themselves from notice amidst the crowd, and to echo the more courtly opinions of their colleagues. Fortunately the royal advisers were not disposed, perhaps were afraid, to take the utmost advantage of the general enthusiasm; and, on some occasions, Charles himself condescended to read to the two houses lessons of moderation and prudence.[1] The most important of their proceedings may conveniently be classed under the following heads:—

1. The objection which had been raised before their convocation was renewed after the return of the king. They had not been called by the royal writ; they were therefore illegal assemblies, and their acts might hereafter be disputed in the courts of law. The obvious remedy was to dissolve them, and to summon a parliament after the usual manner, which might legalize by its authority the irregular proceedings of the convention. But this, to the king's advisers, appeared in the existing circumstances a dangerous experiment; they were not disposed to part with a house of Commons so obsequious to their wishes; and they preferred to pass an act, declaring that the parliament summoned in the 16th Charles I. was determined, and that the two houses then sitting at Westminster constituted the two houses of parliament. It might, indeed, be asked, whence an assembly, illegal in its origin, could derive the power of giving to itself a legal existence; but it was hoped that, as long as the convention sat, no man would venture to moot the question; and on its dissolution every defect might be supplied by the authority of the succeeding parliament.[2]

2. The experience of former years had shown that to restrain within due limits the pretensions of the crown, it was necessary to keep it dependent on the bounty of the subject; but now both houses seemed to have adopted the contrary doctrine; they attributed the calamities which for so many years had afflicted the nation, to the scanty provision made for the support of royalty; they found, on inquiry, that the annual expenditure of the last king greatly exceeded his income; and, to prevent the recurrence of the wants which he experienced, and of the illegal expedients to which he had recourse, they raised the yearly revenue of the

[1] Clarendon, 8, 9. Burnet, Hist. of his Own Times. i. 270. Oxford, 1823.

[2] Stat. of Realm, v. 179. The question, however, was brought forward by Drake, a royalist, under the name of Philips, in a tract called "The Long Parliament Revived." He founded his opinion chiefly on the act of 17th of Charles I., which provided that the parliament should not be dissolved but by an express act of parliament, and that everything otherwise done, or to be done, for the dissolving of it, should be of none effect. Hence it followed that the parliament could never be dissolved but by its own act; and that the arguments of Prynne, which have been already noticed, were of no force; because, though true of an ordinary parliament, they did not apply to one secured from dissolution in this extraordinary manner. Drake was impeached by the Commons; but the Lords had the prudence to remit the case to the attorney-general to be proceeded with in the ordinary courts of law. (See Parl. Hist. iv. 145, 147; and App. i.) The court wisely allowed the prosecution to be dropped. If the act of 17th of Charles were construed strictly according to the letter, the Long parliament could never be dissolved by any other parliament, because before its dissolution no other meeting could be a legal parliament. It was, therefore, maintained that, by the separation of the houses from the king, and the secession or exclusion of so many members, it had fallen to pieces of itself. It had died a natural death. See the tract, "The Long Parliament is not Revived."—Ibid. xviii.

crown to the unprecedented amount of one million two hundred thousand pounds.

3. But while they provided for the sovereign, they were not unmindful of their own interests. In the preceding reigns, the proprietors of lands had frequently and zealously sought to abolish tenures by knights' service, confessedly the most onerous of the existing feudal burthens: but their attempts were constantly defeated by the monarch and his courtiers, unwilling to resign the benefits of marriages, reliefs, and wardships. Now, however, in this season of reconciliation and mutual concession, the proposal was made and accepted; the terms were arranged to the satisfaction of both parties; and Charles consented to accept a fixed annual income of one hundred thousand pounds in place of the casual but lucrative profits of the Court of Wards. Still the transaction did little honour to the liberality of the two houses. They refused to extend the benefit to inferior tenures; and the very act which relieved the lords of manors from the services which they owed to the crown, confirmed to them the services which they claimed from those who held by tenure of copyhold. Neither did they choose to pay the price of the benefit, though it was to be enjoyed exclusively by themselves. Originally, the authors of the measure intended to raise the compensation by a tax on the lands which had been relieved; the amount had actually been apportioned to the several counties by the committee, when a member, as it were accidentally, asked why they should not resort to the excise. The suggestion was eagerly caught by the courtiers and many of the proprietors; the injustice of compelling the poor to pay for the relief of the rich, though strongly urged, was contemptuously overlooked; and the friends of the motion, on a division in a full house, obtained a majority of two. In lieu, therefore, of purveyance, military tenures, and their various incidents, fruits, and dependencies, the produce of one moiety of the excise, a constantly growing and more profitable branch of revenue than the original compensation, was settled on the crown for ever.[1]

4. The excise, as the reader will recollect, had been introduced by the parliament to defray the charges of the war against the king. To reconcile the nation to so odious a tax, it was first voted for a short period only; and, though it had been continued ever since by successive grants, an understanding always existed, that, as nothing but necessity could justify the imposition, so it should most certainly cease with that necessity. By the last enactment, one half of it was now rendered perpetual; nor was the house slow to dispose of the other. It had taken no measures to raise the revenue to the amount which it had voted: the festival of Christmas approached; the king admonished the members of his intention to dissolve the parliament; and the houses hastily passed three bills to improve the receipts on wine licenses, to regulate the post-office, and to grant to the king the second moiety of the excise for his natural life, in full of the yearly settlement of one million two hundred thousand pounds.[2] From that moment, all hope of its extinc-

[1] Stat. of Realm, 259. C. Journ. May 25, Nov. 8, 19, 21, Dec. 15, 21. Parl. Hist. iv. 146.

[2] C. Journ. Nov. 27, Dec. 21. In the debate on the post-office bill, an amendment was proposed to exempt from the charge of postage all letters to and from members of the house of Commons, "sitting the parliament," on the ground that they had as good a right to that indulgence as the privy councillors by whom it was enjoyed. Though the amendment was stigmatized as beneath the dignity of the house, and fit only for mendicants, though

tion vanished; and, in the course of a few reigns, the streamlet has swelled into a mighty river. The excise then produced three hundred thousand pounds; it now produces eighteen million pounds per annum.

5. The existence of the revolutionary army (it amounted, in the three kingdoms, to more than sixty thousand men) was to the monarch and his ministers a subject of constant anxiety. It had, indeed, contributed to place him on the throne; but it might, with the same ease, precipitate him from it. Monk could no longer answer for its fidelity. When the first ebullitions of loyalty had subsided, many, both officers and privates, began to feel surprise that they had lent themselves to a revolution which must put an end to their accustomed license and long-established importance. The royalists, to whom the lord-general had given commissions, possessed not the confidence of the men; the followers of Lambert in his late unfortunate attempt, insinuating themselves into the quarters of the military, called on them to reassert the good old cause; and unauthorized meetings were held, the death of Monk was planned, and measures were taken to form a general combination among the different corps. In opposition to these attempts, Charles endeavoured to win the affections of the soldiery by the flattering manner in which he spoke of their discipline and loyalty, and the earnestness with which he recommended their services to the gratitude of his parliament; while his ministers, with the aid of a numerous corps of spies, sought out the sowers of sedition, and under various and feigned pretences, secured their persons. In both houses, members were instructed to represent the uselessness of so numerous a force in a time of profound peace, the expense which it had already entailed, and the annual amount which it would continue to entail on the nation. No opposition was offered to the motions with which they concluded. By successive grants, provision was made to liquidate all arrears; regiment after regiment was disbanded; and the measure was conducted with such attention to the wants and feelings of the men, that it was accomplished without exciting mutiny or public expressions of discontent.[1]

6. The proceedings on this subject were tediously protracted by the controversy between the two houses on the bill of indemnity. In his declaration from Breda, Charles had promised a general pardon, subject to such exceptions as might be suggested by the wisdom of parliament. The moment the question was brought forward, a wonderful diversity of opinions was observed. Every member had some friend whom he wished to shield from punishment, or some enemy whom he sought to involve in it; considerations of interest or relationship, of friendship or revenge, weighed more than the respective merits of the parties; and distinctions were made and resolutions passed, for which it was difficult to account on any rational grounds. At last, the bill was transmitted from the Commons to the Lords, who, as their sufferings had in general been more severe, betrayed a more vengeful spirit. The chief points in discussion between the houses were, that the Lords sought to include, in one sweeping clause of condemnation, all persons who ever sat in judgment on any royalist in a high court of

the speaker declared that he was ashamed to put the question, it was carried. The Lords, however, rejected it, and the Commons acquiesced.—Journ. of Com. Dec. 17. Parl. Hist. 163.

[1] Stat. of Realm, v. 207, 236, 241. Clarendon, 10, 11. Burnet, i. 274.

justice, and that they refused all hope of mercy to nineteen of the king's judges who had surrendered themselves in consequence of a royal proclamation. By a clause in that instrument, the disobedient were threatened with exception from pardon both as to life and property; whence the Commons inferred that the obedient had reason to expect such exception in their favour; while the Lords contended that they had only a right to trial before a court of justice, whereas those who disobeyed might be condemned for contumacy. Charles by repeated messages and speeches, advised moderation and clemency. It was evident that the Commons had adopted the more rational explanation: the Lords, after several conferences, relented; the other house met them by receding from some of its pretensions; and the act, after a long contest, received the royal assent. It declared in the first place, that all the injuries and offences against the crown or individuals, arising out of quarrels between political parties since the first of June, 1637, should be and were forgiven; then came the exceptions: 1. of fifty-one individuals actually concerned in the death of the king's father; 2. of Vane and Lambert; 3. of Lord Monson, Hazlerig, and five others, as far as regarded liberty and property; 4. of all judges in any high court of justice; and of Hutchinson, Lenthall, St. John, and sixteen others by name, as to eligibility to hold office, civil, military, or ecclesiastical. With respect to the case of the nineteen regicides who had voluntarily surrendered, it was yielded to the Lords that they should be tried for their lives; and, in return, it was conceded to the Commons that they should not be executed without a subsequent act of parliament to be passed expressly for that purpose.[1]

By most men, this general pardon was hailed as a national blessing, calculated to heal dissension and restore tranquillity; by the great body of the Cavaliers it was received with murmurs and complaints. It disappointed their fondest hopes; they saw themselves left by it the victims of their loyalty, without redress for the injuries which they had received, or relief from the poverty to which they had been reduced; while, in numerous instances, their more fortunate neighbours of the republican party continued to revel in the undisturbed enjoyment of their new-gotten wealth, the fruit and reward of rebellion and injustice. With truth, they exclaimed, may it be called an act of oblivion and indemnity; but of oblivion of loyalty, and indemnity for treason.

7. Their discontent received some alleviation from the tragedy which followed. For years it had been sedulously impressed on the mind of Charles, that, as a son, he could never pardon the murder of his father; as a sovereign, he ought not to connive at the public execution of a king. To punish the regicides was, in his opinion, a sacred and indispensable duty; and the exceptions established by the late act afforded him ample scope for the exercise of justice, or the gratification of revenge. Five-and-twenty out of the original number had indeed been already removed by death beyond the reach of any earthly tribunal, and nineteen had crossed the sea to escape the fate which awaited them in their native country.[2] Still twenty-nine remained,

[1] Journals of both Houses. Stat. of Realm, v. 231. Clarendon, 69.

[2] Three of these, Whalley, Goff, and Dixwell, secreted themselves in New England, where they passed their lives in the constant fear of being discovered by the officers of government. There is an interesting account of their adventures in Hutchinson's History of Massachusett's Bay, and in the history of these "Most Illustrious and Heroic Defenders of Liberty," published by Ezra Styles, S.T.D. LL.D., President of

all in custody, and several of them as deeply tinged with the blood of the late king, and as criminal in the eyes of the royal party, as the most obnoxious of their fellows. The fugitives were attainted by act of parliament; the prisoners were arraigned before a court of thirty-four commissioners.

There was much in the composition of this court to interest the curiosity of the spectators, and to agitate the feelings of the unhappy men at the bar. That Cavaliers should sit in judgment on those who had brought the king to the block, might have been expected; but by the side of the chancellor, and Southampton, and Nicholas, were seated Manchester and Robartes, two of the parliamentary commanders; Say and Holles, the parliamentary leaders; Atkins and Tyrrel, parliamentary judges; Monk and Montague, two of Cromwell's lords; and Cooper, one of his most trusty advisers. These men, if they had not actually dipped their hands in the king's blood, had been deeply engaged in the transactions which led to his death, or had powerfully supported the several revolutionary governments which excluded his son and successor from the throne. For such offences they might, in other circumstances, have had to plead for their lives; but they had made professions of repentance, and had been selected to discharge this ungracious task, that they might display both the extent of the royal clemency, and the sincerity of their own conversion.

Most of the prisoners sought to deserve mercy by the ingenuous and sorrowful acknowledgment of their crime; the others alleged in their justification, that they bore no personal malice to the royal victim; that they looked on his death as a solemn act of national justice, and that they proceeded under the sanction of that authority which then exercised the supreme power in the nation. To the second of these pleas the court refused to listen: to the first it was replied, that in law the fact afforded sufficient evidence of the malice; and, to the last, that an irregular and unlawful meeting of twenty-six persons, pretending to represent the commons of England, could not be considered as the supreme authority in the nation.

All were found guilty, and received judgment of death; but the execution of those who had voluntarily surrendered themselves was respited, according to the act of indemnity, for the subsequent consideration of parliament. The ten selected to suffer were Harrison, Scot, Carew, Jones, Clements, and Scroop, who had subscribed the fatal warrant; Cook, who acted as solicitor on the trial; Axtele and Hacker, two military officers who guarded the royal prisoner; and Peters, the minister, whose fervid and intemperate eloquence had been so often employed to prepare and support the actors in that remarkable tragedy. The language of these men, both in the court and after their condemnation, exhibited traits of the wildest fanaticism. For the justice of their cause they appealed to the victories which the Lord had given to their swords; to their bibles, which inculcated the duty of shedding the blood of him who had shed the blood of his fellow-men; and to the Spirit of God, which had testified to their

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the Yale College, Hartford, U.S., 1794. Three others, Corbet, Okey, and Berkstead, were apprehended in Holland, at the instance of Downing, and given up by the States, as an atonement for their former treatment of the king during his exile. They suffered under the act of attainder, on the 19th of April, 1662.—Ludlow, iii. 82. State Trials, v. 1301—35. Pepys, i. 252, 258. Others sought refuge in Switzerland, where they believed themselves to be in constant danger of assassination from emissaries hired by the English court.—Ludlow, iii. 113—134.

spirit that the execution of Charles Stuart was a necessary act of justice, a glorious deed, the sound of which had gone into most nations, and a solemn recognition of that high supremacy, which the King of Heaven holds over the kings of the earth.

Similar sentiments supported and cheered them on the scaffold. When they were told to repent, they replied that of their sins they had repented, and of forgiveness they were assured. But they dared not repent of their share in the death of the late king; for to repent of a good deed was to offend God: they were proud to suffer for such a cause. Their martyrdom would be the most glorious spectacle which the world had ever witnessed since the death of Christ. But let the prosecutors tremble: the hand of the Lord was already raised to avenge their innocent blood; and in a short time the cause of royalty would crouch before that of independence. They uttered the prediction with the confidence of prophets,[1] and submitted to their fate with the constancy of martyrs. Peters alone appeared to shrink from the approach of death. The exhortation of his fellow-sufferers revived his courage; a strong cordial braced his nerves; and he mustered sufficient resolution to say that he gloried in the cause, and defied the executioner to do his worst.[2]

These examples did not satisfy the resentment of the royalists, who lamented, as a misfortune, that the most odious of the regicides had by a natural death escaped the fate of their associates. It was true that they were attainted; but the attainder affected all alike; while the greater guilt of some called for more particular proofs of public reprobation. Revenge is ingenious; history could furnish instances of punishment inflicted on the remains of the dead; and in obedience to an order of the two houses, approved by the king, the bodies of Cromwell, Bradshaw, and Ireton, having been removed from their graves, were drawn on hurdles to Tyburn, taken out of their coffins, and hung at the three corners of the gallows, on the anniversary of the death of Charles I., the day chosen for this expiatory ceremony. In the evening they were cut down and decapitated; the heads fixed on the front of Westminster Hall, and the trunks thrown into a pit at the place of execution. To the Cavaliers this revolting exhibition afforded a subject of merriment and pleasantry; but it met with the deserved reprobation of every man of sensibility and judgment. It was an outrage against the common feelings of humanity, and could contribute nothing to the only real end of public punishment—the prevention of crime. The man who dares to stake his life on the pursuit of his object, will not be deterred by the fear of mutilation or suspension after death.[3]

8. Since the year 1642, a consider-

[1] And the prediction was believed. From the Diary of Whalley, Goff, and Dixwell, it appears that they looked on the execution of the regicides as the slaying of the witnesses foretold in the Book of Revelations, and that the prediction of a revolution in their favour was to be fulfilled in the mysterious year 1666. The year passed, and their hopes were disappointed; but they consoled themselves with the persuasion that there was an error in the date of the Christian era, and that the accomplishment of the prophecy would speedily arrive.—See Howell's State Trials, v. 1362.

[2] Ibid. 947—1301.

[3] Lords' Journals, xi. 205. Kennet's Reg. 367. Though Pride was included in the order, his body was not disturbed. Afterwards (1661, Sept. 12, 14) about twenty bodies of persons buried in Henry VII.'s chapel, and the church of Westminster, were disinterred by the king's order, and buried again in the churchyard. Among these were the remains of Cromwell's mother, of his daughter Elizabeth Claypole, of Admiral Blake, and of Colonel Mackworth, who had been interred in the chapel, and of Pym, Dorislaus, Stroud, May the

able portion of the landed property in every county had passed from the hands of the original owners into the possession of new claimants; and it was on this important consideration that the founders of the commonwealth rested their principal hope of its subsequent stability. Hundreds of their adherents had by the revolution been raised in the scale of society; they were become invested with the wealth and influence that originally belonged to their superiors; and it would be their interest to oppose with all their power the return of a system which would reduce them to poverty and insignificance. Charles, in his declaration from Breda, touched on the subject in guarded and measured terms; "he was willing that all controversies in relation to grants, sales, and purchases should be determined in parliament, which could best provide for the just satisfaction of all who were concerned." Parliament, however, made no such provision. It confirmed, indeed, as a measure of tranquillization, the judicial decisions which had been given in the courts of law and equity; but the royal promise respecting the transfer of property by grants and sales was forgotten, and, in consequence, no relief was afforded to two numerous classes of men belonging to the opposite parties. 1. At the very commencement of the civil troubles many royalists disposed of a portion, or the whole, of their estates, that they might relieve the pecuniary wants of the king, or enable themselves to raise men, and serve in the royal armies; and at its conclusion all of them were compelled to have recourse to similar measures, that they might discharge their debts, and pay the heavy fines imposed on them by order of the revolutionary governments. That these men had strong claims on the gratitude and pity of the king and parliament, could not be denied; but these claims were neglected; the sales had been effected with their consent, they were bound by their own acts, and consigned to murmur in penury and despair. 2. The lands belonging to the crown, to the bishops, deans and chapters, and to a few distinguished Cavaliers, had been granted away as rewards, or sold to the highest or the most favoured bidder. These were now reclaimed; forcible entries were made; and the holders, as they were not allowed to plead a title derived from an usurped authority, were compelled to submit to superior right or superior power. To the argument that they were, the most of them, bona fide purchasers, it was truly replied that they had taken the risk with the benefit; but when they appealed to the "just satisfaction" promised in the royal declaration from Breda, Charles himself blushed at the rigour of his officers and adherents. By proclamation he recommended measures of lenity and conciliation; he advised that the revolutionary purchasers should be admitted as tenants on easy fines; and, at the united request of the two houses, he established a commission to arbitrate between the contending parties. The consequence, however was, that while the purchasers of the crown lands were in general permitted to remain in possession, the purchasers of the church lands were in numerous instances treated with extreme severity. The incumbents had themselves suffered hard measures; they were old, and therefore anxious to provide for the support of their families after them; and, instead of attending to the royal recommendation, they made no distinction among the bidders, but selected for

historian, Twiss and Marshall, divines, and of several others buried in the church.—Kennet, 534. Neal, 619.

tenants those individuals who made the most advantageous offers.[1]

9. During the first period of the revolution, the Presbyterian ministers had obtained possession of the parish churches; but their orthodoxy was not less intolerant than that of their predecessors, and they pursued, with equal violence, the theological offences of schism and heresy. Still, in defiance of their zeal, sectarianism continued to spread; by degrees, the civil and military authority passed into the hands of the Independents; the Presbyterians, in proportion as their power declined, turned their eyes towards the exiled prince; and their ministers, as far as prudence would permit, acted the part of zealous and successful missionaries in his favour. Now that Charles had recovered the crown, was he to expel from their livings the men from whom he had received these services; or was he to protect them, and to leave the episcopal clergy to pine in deprivation and want? The first savoured of ingratitude; it was moreover pregnant with danger. It might provoke the Presbyterian members, the majority of the house of Commons, to oppose the court; a thousand pulpits might join in advocating the duty of resistance; and the smouldering embers of civil war might be easily fanned into a flame by the breath of the preachers. On the other hand, he was led by principle, and pledged in honour, to restore that hierarchy in defence of which his father had forfeited his crown and his life. This was loudly demanded by the Cavaliers, and was represented by Hyde as providing the surest bulwark for the throne. Charles did not hesitate; the kirk was sacrificed to the church; and every difficulty was surmounted by the singular address of the minster, joined with the engaging manner and real or affected moderation of the monarch.

That the dominion of the ancient laws had returned with the representative of the ancient kings, was a principle which no one ventured to contradict; but a principle which taught the votaries of the "Solemn League and Covenant" to tremble for the idol of their worship, and threatened the Presbyterian clergy with the loss of their livings. Still they relied on the declaration from Breda, which promised the royal assent to an act of parliament for composing differences in religion, and on the services of their brethren, who formed a powerful body in the house of Commons. But Charles and his politic adviser had no intention to redeem the royal pledge, or to intrust the decision of this important question to the doubtful orthodoxy of the two houses. The number of the bishops, which had been reduced to nine, was filled up by successive nominations: the survivors of the sequestrated clergy were encouraged to re-enter on their benefices, or to accept a composition from the holders; and the heads of the universities received a royal mandate to restore to their colleges the ejected fellows. At the same time, to lull the apprehensions of the Presbyterians, offers of bishoprics were made to the most eminent or moderate of the ministers; ten obtained the nominal honour of being chaplains to the king, and all were confirmed in the possession of their benefices, where the legal claimant was dead, or neglected to enforce his right. But these measures excited alarm; a bill for the settlement of religion was brought into the house of Commons; and a resolution was passed that the question should be considered in "a grand committee on every successive Monday." Hyde, in opposition, is-

[1] Stat. v. 242. Kennet's Reg. 312. Clarendon, 183. Harris, iv. 345.

sued instructions to the friends of the court and the church, who laboured zealously to perplex and protract the proceedings: two long and animated debates called forth the passions of the speakers; and at last the sitting of the committee was suspended for three months, that the king might have time to consult the divines of both communions.[1] For this purpose, papers were exchanged between certain of the bishops and a select number of ministers. On points of doctrine, they scarcely differed; but one party contended warmly for the model of episcopal government formerly devised by Archbishop Ussher, which the other absolutely rejected, as offering only another name for the establishment of the Presbyterian system.[2] The disagreement had been foreseen; and Charles was advised to interpose as moderator between the disputants. He laid before them the draft of a royal declaration from the pen of the chancellor, solicited their observations on its provisions, and offered to adopt any reasonable amendment. In a few days it was published. It gave due praise both to the orthodox and the Presbyterian clergy; avowed the king's attachment to episcopacy, but with the conviction, that it might be so modified as, without impairing its real character, to remove the objections brought against it; and for that purpose he enjoined, 1. With respect to jurisdiction, that the bishop should not exercise any illegal or arbitrary authority, nor pronounce ecclesiastical censures, nor celebrate ordinations without the assistance and advice[3] of his chapter and of an equal number of presbyters deputed by the clergy of the diocese, nor should confirm in any church wthout the information and consent of the minister; and 2. With regard to the religious scruples of the Presbyterians, that neither the reading of the Liturgy, nor the observance of the ceremonies, nor the subscription to *all* the Thirty-nine Articles, nor the oath of canonical obedience, should be exacted from those who objected to them through motives of conscience.[4]

These important concessions were received with joy and gratitude by the party. A meeting of London ministers declared that episcopacy, thus reformed and improved, was a different thing from the episcopacy against which they had protested in the covenant; and their celebrated leader, Dr. Reynolds, whether his scruples were really silenced, or the restraint on his ambition only re-

[1] Clarendon, 74. Journal of Com. July 6, 20, 21. "The committee sat an hour in the dark before candles were suffered to be brought in, and then they were twice blown out; but the third time they were preserved, though with great disorder, till at last about ten at night it was voted," &c.—MS. Diary of a Member, in Parl. Hist. iv. 79, 82.

[2] Neal, ii. 568—575. It proposed that the several deans should hold monthly synods of the clergymen under their jurisdiction: the bishops, yearly synods of those within their dioceses; and the archbishops, every third year, synods of the bishops and deputies from each diocese within their respective provinces; but in all these, the presidents were to possess no superior authority, but only to be considered as primi inter pares. See the scheme in the History of Nonconformity, 339—344.

[3] Instead of *advice*, the Presbyterians moved for the substitution of the word *consent*. Charles refused; and, when a passage from the Εἰκων Βασιλικη was objected, hastily replied, "All that is in that book is not gospel."—Kennet, Reg. 283.

[4] L. Journ. xi. 179. Neal, ii. 575—580. Originally it was intended to permit all persons "to meet for *religious worship*, so be it they do it not to the disturbance of the peace." But the Presbyterians were not sufficiently liberal to allow to others what they demanded for themselves. Baxter distinguished between *tolerables* and *intolerables*. The Papists and Socinians were intolerables; their *worship* could not conscientiously be suffered; and, to satisfy the party, the clause was changed into a promise that no man should be disturbed for "difference of *opinion* in matters of religion."—Kennet, Reg. 280. Oldmixon, 488.

moved, signified his acceptance of the bishopric of Norwich. Yet the declaration, while it kept the word of promise to the ear, contained a passage which tended to break it to the hope; it alluded to a synod to be convened, when the passions of men should be cooled, that the question might be fairly and finally settled. The Presbyterians had no inclination to depend on the uncertain decision of some future synod; they sought a permanent, not a temporary arrangement; and, in a committee of the house of Commons with Serjeant Hales at its head, a bill was formed for the purpose of converting the royal declaration into a law. Hyde saw that his own arts were directed against himself: he removed Hales from the house, to take his seat in the Exchequer as lord chief baron; the dependants of the court received instructions to vote against the bill; secretary Morrice opposed it in a long though moderate speech; and, on a motion that it should be read a second time, it was rejected by a majority of twenty-six in a house of three hundred and forty members. Shortly afterwards the Convention parliament was dissolved.[1]

That, notwithstanding the general demonstration of loyalty, there were many who secretly lamented the ruin, and ardently sought the restoration of the republican government, could not be doubted. The royal ministers were placed in a situation in which even a superfluous degree of vigilance or severity might be vindicated, or at least excused, on account of the probability of danger. But, while they secured the more prominent and suspicious characters, such as Overton, Desborough, Day, and Courtenay, they appear to have overlooked or despised a conventicle of fanatics in Coleman-street, under the guidance of a wine-cooper named Venner. The king was gone to Portsmouth in company with the queen-mother; and, on the afternoon of the following Sunday, Venner called on his hearers not to pray, but to act; to take up arms in the cause of their king Jesus, to whom alone allegiance was due, and never to sheathe the sword till Babylon should be made a hissing and a curse. To raise their courage, the enthusiast held out to them the conquest of the whole world; they should first lead captivity captive in England; from England proceed to possess the gates of the earth; and then bind kings in chains and nobles in fetters of iron. What, if they were few in number, not more than sixty! They would fight for Him who had promised that one should chase a thousand, and two put ten thousand to flight. Arms had been prepared; the soldiers of the heavenly King hastened to St. Paul's, drove before them some of the trained bands, traversed the city, and withdrew, during the night to Caen Wood, between Highgate and Hampstead. The next morning about thirty were apprehended by the military, and a persuasion existed that the remainder had dispersed; but on Wednesday they were seen in different streets, hastening towards the residence of the lord mayor, and exclaiming, "The King Jesus and *their* heads upon the gates." More fanatics had joined them: several rencontres took place with the guards

[1] Clarendon, 76. Journals of Com. Nov. 28. Parl. Hist. IV. 141, 152. I may observe that, on this occasion, Charles exercised his pretension of dispensing with the law in ecclesiastical matters, and yet no one ventured to complain. "It is our will and pleasure that none be judged to forfeit his presentation or benefice, or be deprived of it upon the statute of 13th Eliz. c. 12, so he read and declare his assent to all the articles of religion, which only concern the confession of the true Christian faith, and the doctrine of the sacraments comprised in the book of articles in the said statute mentioned."

and the trained bands; and the injury which they inflicted was equal to that which they received; but after the loss of two-and-twenty men killed on the spot, twenty, most of them wounded, yielded to their opponents, and the remaining few escaped. Four of the prisoners were acquitted through want of evidence; most of the others expiated their crime on the gallows. But the failure of the enterprise had not shaken their faith. They died in the same sentiments in which they had lived, proclaiming the sovereignty of their heavenly King, and denouncing his vengeance against the usurpers of his prerogative, the kings of the earth.[1]

I shall not detain the reader with the ceremonial of the coronation, or the rejoicings with which it was celebrated. Charles had previously called a parliament after the ancient and legitimate form; and the result of the elections showed that the fervid loyalty which blazed forth at his restoration, had, in the course of twelve months, suffered but little abatement. In a few places, indeed, men of anti-episcopal principles were returned, but the majority of the members consisted of royalists devoted to the person of the king, and ready to support the measures of the court. Some members of the council possessed seats in the lower house; but it was not yet the custom to employ them as the acknowledged leaders of the party. To save appearances, the chancellor (he had lately been created Baron Hyde, and at the coronation, earl of Clarendon) privately communicated the wishes of the cabinet to a few of the most influential members, and each of these held a separate meeting of his friends and followers, whom he instructed in the part that each individual had to act, and the vote which it was expected that he should give. With the aid of a force thus previously, though secretly organized, in the house, the minister experienced little difficulty in defeating the desultory and unconnected efforts of his opponents.

This parliament, at the commencement of its long career, passed several laws of the highest importance, both in regard to the pretensions of the crown and the civil and religious liberties of the people. 1. The solemn league and covenant, with the acts for erecting a high court of justice for the trial of Charles Stuart, for subscribing the engagement, for establishing a commonwealth, for renouncing the title of the present king, and for the security of the protector's person, were ordered to be burnt in the midst of Westminster Hall by the hands of the common hangman. It was affirmed that the negative voice, and the command of the army, were rights inherent in the crown; to devise any bodily harm to the king, and to distinguish between his person and his office, were pronounced treason; to call the king a heretic or a papist, was made to incapacitate the offender from holding any office in church or state; and the penalties of premunire were enacted against all who should assert that the parliament of 1641 was not dissolved, or that both houses, or either house, possessed legislative authority independently of the sovereign. At the same time, severe restrictions were imposed upon the press, to prevent the publication of books maintaining opinions contrary to the Christian faith, or to the doctrine or discipline of the church of England, or tending to the defamation of the church or state, or of the governors thereof, or of any person whomsoever.[2]

[1] State Trials, vi. 105. Kennet, Reg. 354, 562. Heath, 471. Parker, De Rebus sui Temporis, 10. Pepys, i. 107—169, 172.

[2] Clarendon, 181. Statutes and Journals, passim.

2. Though the Convention parliament had undertaken to make ample provision for the pecuniary wants of the government, Charles was advised to apply to the two houses for additional aid, and obtained from their loyalty a grant of four subsidies, the ancient but now obsolete method of raising supplies. It has been said of the king that he was improvident; that the establishment of his household was calculated on the most expensive scale; that he made extravagant presents to his favourites and mistresses; and that he squandered enormous sums in the unnecessary repair and improvement of the royal palaces; but it should also be remembered that at his restoration he found himself encumbered with a debt for which he could not be responsible, the enormous sum owing to the armies in the three kingdoms under the head of arrears; and that he was moreover compelled, from the destitute state of the several arsenals, to expend eight hundred thousand pounds in the immediate purchase of naval and military stores. We are assured that in the first fifteen months the only sum which could be devoted to the ordinary current expenses of the state was the seventy thousand pounds voted on account of the coronation. The parliament repeatedly listened to his solicitations; but the estimates were inaccurate; the taxes proved deficient;[1] they were tardily collected; new debts were contracted before the original debts could be discharged; and, during the whole course of his reign, Charles laboured under the pressure of a burden which he was unable to remove. This gave a peculiar tone to his policy. To procure money became his habitual pursuit; it entered into all his measures as the principal, or, at least, as an important object: it dictated to him the match with Portugal and the sale of Dunkirk to France; and it seduced him into that clandestine correspondence and those pecuniary bargains with the French monarch, which have left an indelible stain on his memory.

3. The feverish state of the public mind, agitated by successive reports of plots and the prosecution of real or supposed conspirators, enabled the ministry to carry a measure which they deemed highly conducive to the stability of the restored government. Both the Presbyterians and Cavaliers had given proofs of their attachment to the king; but their loyalty was of a different order: the first sought to limit, the latter to extend, the powers of the crown; the one looked on the constitution of the church as hostile, the other as favourable to their views. In parliament the Cavaliers were triumphant; but the government of cities and boroughs throughout the kingdom was chiefly in the hands of the Presbyterians. To dispossess them of these strongholds became the policy of Clarendon: and he accomplished his purpose by the Corporation Act, which, after much opposition, was passed into a law. By it, commissioners were appointed with the power of removing at discretion every individual holding office in or under any corporation in the kingdom; and it was required that all persons permitted to retain their situations should qualify themselves by renouncing the solemn league and covenant, by taking the oaths of allegiance and supremacy, and by declaring upon oath their belief that it was unlawful to take up arms against the king on any pretence whatsoever, and their abhorrence of the traitorous doctrine that arms may be taken up by his authority against

[1] Sir P. Warwick showed that of the yearly sum of one million two hundred thousand pounds voted by the Convention parliament, no more than nine hundred thousand pounds per annum was ever received.—Pepys, Diary, ii. 161.

his person, or against those that are commissioned by him. With respect to the admission of future officers, the act moreover provided, that no man should be eligible who had not, within the year preceding his election, taken the sacrament according to the rite of the church of England. Qualifying tests had been first introduced into our law to exclude the Roman Catholics; now the precedent was urged to justify the exclusion of the dissenters; the doctrine of passive obedience was established by authority of the legislature; and the performance of a religious duty was made an indispensable qualification for the holding of a secular office.[1] This act broke the power of the Presbyterians in the state; the Act of Uniformity drove them from the places which they still retained in the church.

4. The king had promised that, preparatory to the comprehension of the "dissenting brethren," the Book of Common Prayer should be revised by a commission of divines from both communions. They met at the Savoy, the residence of the bishop of London; previous debates respecting forms and pretensions occupied a considerable portion of time; at length, the discussion commenced with written papers, and was subsequently continued in personal conferences. But the Presbyterians demanded so much, and the bishops were disposed to concede so little, that no progress was made; and when the commission (it had been limited to the duration of four months) was on the point of expiring, it was amicably agreed to dismiss the minor subjects of controversy, and to confine the discussion to eight passages in the book, which in the apprehension of the dissenters could not be adopted without sin. With this view the following question was proposed for debate:—"Can a command be sinful, enjoining that which is not in itself unlawful?" After a long and fretful altercation, neither party was convinced, and both joined in a common answer to the king, that they agreed as to the end, but could come to no agreement as to the means.[2]

This was the conclusion which had been expected and desired. Charles had already summoned the convocation, and to that assembly was assigned the task which had failed in the hands of the commissioners at the Savoy. Several of the bishops protested against any alteration; but they were overruled by the majority of their brethren; certain amendments and additions were adopted; and the book, in its approved form, was sanctioned by the king, and sent by him to the house of Lords.[3] The Act of Uniformity followed, by which it was enacted that the revised Book of Common Prayer, and of Ordination of Ministers, and no other, should be used in all places of public worship; and that all beneficed clergymen should read the service from it within a given time, and, at the close, profess, in a set form of words, their "unfeigned assent and consent to everything contained and prescribed in it." To this declaration many objected. In obedience to the legislature, they were willing to make use of the book, though they found in it articles and practices of

[1] Stat. v. 321.

[2] State Trials, vi. 25—44. History of Non-conformity, Neal, ii. 601. In opposition to the bishops, it was contended, that a command, enjoining what is lawful, may be sinful *per accidens*, or may be unlawfully commanded. The point to which the dispute referred was the kneeling at the communion.—Id. 328.

[3] The most important of these alterations were perhaps the following; the insertion of the rubric respecting the posture of kneeling at the sacrament, the admission of persons not yet confirmed to communion, and the dispensing with new-married persons from the obligation of receiving the communion on the day of marriage, and of the sick from the obligation of confessing their sins and receiving absolution.

the truth and propriety of which they doubted; but to assent and consent to what they did not really believe or approve, was repugnant to the common notions of honesty and conscience. In the following year an attempt was made to relieve them, on the transmission of a bill to amend the Act of Uniformity from the lower to the upper house. The Lords added a declaratory clause, that the words "assent and consent should be understood only as to practice and obedience to the said act;" but the Commons instantly rejected the amendment; the Lords in a conference submitted to withdraw it; and the only effect of the controversy was to place beyond a doubt the meaning in which the subscription was understood by the legislature.[1]

There were two other clauses, which also gave offence. By one, it was provided that no person should administer the sacrament, or hold ecclesiastical preferment, who had not received episcopal ordination; by the other that all incumbents, dignitaries, officers in universities, public schoolmasters, and even private tutors, should subscribe a renunciation of the covenant, and a declaration of the unlawfulness of taking up arms against the sovereign under any pretence. It was in vain that the Lords objected: a conference followed; the court came to the aid of the Commons; the opposition was abandoned; and the bill in its improved form received the royal assent.[2]

During the progress of this question, the Lords had displayed a spirit of liberality which shocked the more rigid orthodoxy of the lower house. In opposition to the bill, they appealed to the declaration from Breda. That instrument was an offer made by the king as head of the adherents to the church and the throne, and accepted by the several other parties within the kingdom. It was virtually a compact between him and the people, which fixed the price of his restoration. The people had done their part in receiving him; it became his now to secure to them the boon which he had promised. That boon, as far as regarded religion, was liberty to tender consciences, and freedom from molestation on account of difference of religious opinion; two things which, it was apprehended, could not be reconciled with the disqualifying enactments of the bill. The manager for the Commons replied, that the declaration from Breda had been misunderstood. "Tender" was an epithet implying susceptibility of impression from without; a tender conscience was one which suffered itself to be guided by others; the liberty to tender consciences was therefore confined to the "misled," and did not extend to the "misleaders;" it was granted to the flocks, but not to the pastors. In aid of this sophistical exposition, he also observed, that the declaration referred to the peace of the kingdom, and to a future act of parliament, as if the act to be passed had been one to impose restraint, instead of "granting indulgence," or the allusion to the peace of the kingdom had not been understood as an exception of the

[1] Lords' Journals, xi. 573, 577. The duke of York and thirteen other peers entered their protests against the amendment, "because it was destructive to the church of England as then established" (573).

[2] Stat. v. 364. Clarendon, 163. In the conferences between the houses much stress was laid on the opportunity which tutors possess of impressing what notions they please on the minds of their pupils. To this circumstance was attributed the strong opposition made to Cromwell in parliament by the younger members; for, during the commonwealth, the clergy of the church of England supported themselves by teaching, and brought up their pupils in principles of loyalty.—Lords' Journals, 447.

seditious and anarchical doctrines promulgated by some of the fanatical preachers.[1] The Act of Uniformity may have been necessary for the restoration of the church to its former discipline and doctrine; but if such was the intention of those who formed the declaration from Breda, they were guilty of infidelity to the king, by putting into *his* mouth language which, with the aid of equivocation, they might explain away, and of fraud to the people, by raising in *them* expectations which it was never meant to fulfil.

The triumph of the church was now complete. The bishops had already been restored to their seats in parliament, and the spiritual courts had been re-established. To the first of these measures a strong opposition was anticipated from the united efforts of the Catholics and Presbyterians in the house of Lords; but of the Catholic peers, one only, the Viscount Stafford, voted against it; and among the Presbyterians the opposition was confined to the survivors of those who had originally supported the bill incapacitating clergymen from the exercise of temporal authority. The second was accomplished with equal facility; but, at the same time, the ecclesiastical jurisdiction was curtailed of two of its most obnoxious appendages, the High Commission court, and the power of administering the oath ex officio.[2]

5. Among others, the English Catholics had cherished a hope of profiting by the declaration from Breda; and that hope was supported by the recollection of their sufferings in the royal cause, and their knowledge of the promises made by Charles during his exile. The king was, indeed, well disposed in their favour. He deemed himself bound in honour and gratitude to procure them relief; he knew the execration in which the penal laws against them were held on the continent; and had often declared his resolution to mitigate, whenever he should be restored to his father's throne, the severity of such barbarous enactments.[3] In June, 1661, the Catholics met at Arundel House, and presented to the Lords a petition, complaining of the penalties to which they were liable for the refusal of oaths incompatible with their religious opinions. The Presbyterian leaders lent their aid to the Catholic peers; and Clarendon placed himself at the head of their adversaries. Not a voice was raised in favour of the statutes inflicting capital punishments; but, after several debates, the house resolved that "nothing had been offered to move their lordships to alter anything in the oaths of allegiance and supremacy." In the mean time, Colonel Tuke[4] was heard at the bar against the sanguinary laws; and several papers stating the grievances and prayer of the Catholics had been laid on the table. The petitioners claimed the benefit of the declaration from Breda, and observed, that the only objection to their claim rested on the supposition that the acknowledgment of the spiritual supremacy of the pope implied the admission of his temporal superiority. Against this they protested. The doctrine of his temporal authority was a problematical opinion, admitted indeed by some individuals, but no part

[1] Lords' Journals, xi. 449.

[2] Stat. 306, 315. Whoever will compare the account in Clarendon, 138, with the Journals, xi. 279, 281, 283, will be astonished at the inaccuracies of the historian. In five material points, including the principal part of his narrative, he is flatly contradicted by the testimony of the Journals. So far was the bill from being detained in the house of Lords, that it was forwarded through all its stages with unprecedented rapidity. It was sent from the Commons on Thursday, and passed by the Lords on the Tuesday following.

[3] Clarendon, 140.

[4] Sir G. Tuke, of Cressing Temple, in Essex.—Pepys, i. 364.

of the Catholic creed; and the petitioners (so far were they from holding it) offered to bind themselves by oath "to oppose with their lives and fortunes the pontiff himself, if he should ever attempt to execute that pretended power, and to obey their sovereign in opposition to all foreign and domestic power whatsoever, without restriction."[1] The house having received the report of a committee to inquire into "the sanguinary laws," resolved to abolish the writ De Hæretico Inquirendo, and to repeal all the statutes which imposed the penalties of treason on Catholic clergymen found within the realm, or those of felony on the harbourers of such clergymen, or those of premunire on all who maintained the authority of the bishop of Rome. But this measure of relief did not equal the expectations of the laity, who sought to be freed from the fines and forfeitures for recusancy; and the whole project was quashed by the cunning of an adversary, who moved and carried a resolution that no member of the society of Jesuits should enjoy the benefit of the intended act. Immediately discord spread itself among the petitioners; pamphlets in favour of and against the society were published; and, on the one hand, it was contended that the boon, with whatever exceptions it were clogged, ought to be accepted, and that the Jesuits were bound in decency to resign their own pretensions for the common benefit of the Catholic body; on the other, that the distinction sought to be established by the bill was groundless and unjust, and that, if the Catholics consented to purchase relief for themselves by the proscription of the order, they would entail on their memory the stigma of selfishness and perfidy. Amidst these altercations, the committee at Arundel House was dissolved; the progress of the bill was suspended, at the request of the Catholic peers; and, in the succeeding session, no one ventured to recall it to the attention of parliament.[2]

6. Though the kingdom presented everywhere the appearance of tranquillity, the different parties continued to look on each other with jealousy and apprehension. That there existed many, who, if they had possessed the means, wanted not the will, to overturn the royal government, cannot be doubted; and these, by the imprudence of their language or their carriage, might occasionally minister just cause of suspicion; but, on the other hand, there were also many whose credulity was as extravagant as their loyalty; who could discover traces of guilt in conduct innocent or indifferent; and who daily besieged the council-board with the history of their fears, and with denunciations of treason. Most of these informers met with deserved neglect; but to some it was thought greater credit was due; the king communicated their discoveries to the two houses, arrests were ordered, and convictions and executions followed. It has often been asserted that these plots had no real existence; that they were fabri-

[1] Kennet's Register, 476.

[2] Journals, xi. 276, 286, 299, 310. Kennet's Register, 469, 476, 484, 495. Orleans, 236. Letter from a Person of Quality to a Peer of the Realm, &c. 1681. Clarendon, in his account of this transaction (p. 143), tells us that the Jesuits were apprehensive of being excluded from the benefit of the act, and broke up the committee at Arundel House by declaring, that "Catholics could not, with a good conscience, deprive the pope of his temporal authority, which he hath in all kingdoms granted to him by God himself." But Clarendon is, as usual, incorrect; for they were actually excluded from the benefit of the act (Journ. 310); and in their "reasons," published by them at the time, they declare that ever since the year 1618 all Jesuits, by order of their general, "are obliged, under pain of damnation, not to teach the doctrine" which Clarendon ascribes to them, "either in word, writing, or print."—Kennet's Reg. 496.

cated by the ingenuity of Clarendon, who sought, by exciting unfounded alarms, to procure the sanction of parliament to the measures which he meditated against the nonconformists. But the authors of this charge, so disgraceful to his character, were men whose sufferings on the score of religion made them his enemies, and who never supported their assertions with any satisfactory proof; nor is it undeserving of remark, that, at the very same time, he was suspected of a secret connexion with the republicans, because he received the informations of the royalists with an air of coldness, and with expressions of disbelief.[1]

These reports and proceedings had, however, a considerable influence on the temper of the two houses, and turned their attention to the fate of the surviving regicides, who were still detained in prison. Of those who had been excepted from the penalty of death, all enjoying titles of honour were degraded; and three, the Lord Monson, Sir Henry Mildmay, and Robert Wallop, on the 30th of January, were pinioned upon hurdles, and drawn through the streets with halters round their necks to the gallows at Tyburn, and back again to prison. Of those who had surrendered in consequence of the proclamation, the punishment had been respited till further order of parliament. A bill for their immediate execution was now introduced, passed by the lower house, and sent to the Lords, who read it once, examined the prisoners at their bar, and never afterwards noticed the subject.[2] The fact is, that these unhappy men owed their lives to the humanity of the king. "I am weary of hanging," he said to the chancellor, "except for new offences. "Let the bill settle in the houses, that it may not come to me; for you know that I cannot pardon them."[3]

There still remained Vane and Lambert, who, though not actually guilty of the death of Charles I., were considered as fit objects of punishment. Lambert had been the last to draw the sword against the royal cause, and was still looked up to by the republicans as their nominal head. Vane, if he had incurred ridicule by his extravagance as a religionist, was highly distinguished by his abilities as a statesman. In the first capacity, he had published books replete with pious fanaticism and unintelligible theology; in the latter he stood without a rival as to matters of finance and civil polity. To his counsels and foresight the Cavaliers chiefly attributed the almost uniform success of their adversaries; but his great and unredeeming offence was one which, though never mentioned, could never be forgotten. He had been, at the beginning of the troubles, the cause of the death of Strafford, by communicating to Pym the document which he had purloined from his father's desk. There was, however, this peculiarity in the case both of Vane and Lambert, that, though the Convention parliament had refused to except them from the penalty of death, yet on account of the declaration from Breda, it had recommended them to mercy in the event of a conviction, and the recommendation had been favourably received and answered on this account by the king.[4] Charles was disposed to leave them in prison, without further molestation; but the house of Commons ordered the attorney-general to bring them to trial, and

[1] See Monkton's account; Lansdowne MSS. 988, f. 346.

[2] C. Journ. 1661, July 1; 1662, Jan. 27, Feb. 1, 3. L. Journ. xi. 375, 380. Pepys, i. 243.

[3] See Clarendon's notes in Clar. Pap. iii. App. xlvi.

[4] C. Journ. Aug. 28, 1660, Sept. 5. L. Journ. 156.

by three successive addresses extorted the royal consent.[1] Their conduct at the bar presented a singular contrast. Lambert, who had so often faced his enemies in the field, trembled at the sight of a court of justice; Vane, who had never drawn the sword, braved with intrepidity the frowns and partiality of his judges. The first behaved with caution and modesty; he palliated his opposition to Booth and Monk, by pretending that he was ignorant of their attachment to the house of Stuart; and appealed to the royal mercy, to which he thought himself entitled by the king's proclamation and answer to the address of the Convention parliament. He received judgment of death, but was sent to the island of Guernsey, where he beguiled the hours of banishment by the cultivation of two arts in which he delighted,—those of the florist and the painter.[2] Vane, on the contrary, boldly maintained the principles which he had formerly advocated. He was, he said, no traitor. By the act which rendered the Long parliament indissoluble without its own consent, the two houses were raised to a power equal and co-ordinate with that of the king, and possessed a right to restrain oppression and tyranny: by the war which followed between these equal authorities, the people were placed in a new and unprecedented situation, to which the former laws of treason could not apply: after the decision by the sword, "a decision given by that God who, being Judge of the whole world, does right, and cannot do otherwise," the parliament became de facto in possession of the sovereign authority, and whatever *he* had done in obedience to that authority was justifiable by the principles of civil government, and the statute of the 11th of Henry VII. He spoke with a force of reasoning and display of eloquence which surprised the audience and perplexed the court; and the judges were reduced to lay down this extraordinary doctrine, that Charles, in virtue of the succession, had been king de facto, and therefore in possession of the royal power from the moment of his father's death. Hitherto by a king in possession had been understood a king in the actual exercise of his authority, which Charles most certainly was not; but the judges supported their decision on the ground that he was the only person then claiming the royal power; a miserable sophism, since the authority, the exercise of which constitutes a king de facto, was actually possessed by the parliament, which had abolished the very name and office of king.[3]

To Charles his conduct on this occasion was represented as an additional offence, a studied vindication of rebellion, a public assertion that the houses of parliament were the only supreme power in the nation. He began to think Vane "too dangerous a man to let live, if he could be honestly put out of the way:" and that scruple was removed by the sophistry of those who maintained that the king was no longer bound by the royal word; for even God himself refused forgiveness to the unrepenting sinner. Charles commuted the punishment of hanging for decapitation; and Vane submitted with cheerfulness to his fate. On the scaffold he displayed the same intrepid bearing which he had manifested at

[1] C. Journ. July 1, Nov. 22, 1661; Jan. 10, Feb. 19, 1662.

[2] Six years afterwards he was brought to the island of St. Nicholas, Plymouth, where he remained a prisoner till his death, about the end of March, 1664.

[3] State Trials, vi. 119—186. But Vane did not merely obey the authority in actual exercise of the supreme power; he formed a part of that authority, keeping the king de jure out of possession.

his trial, and was about to renew the advocacy of his principles to the spectators, when the trumpets were sounded in his face, and his notes were demanded and taken from him by the sheriff. He suffered on Tower Hill. It was the spot where the blood of his victim, Strafford, had been shed; and there he also he fell, an expiatory sacrifice to the manes of that nobleman. The one began, the other, after an interval of one-and-twenty years, closed, the list of proscription furnished by this period of civil discord.[1]

From the restoration of the royal authority in England, we may turn to its re-establishment in Scotland and Ireland; which countries, as they had not been mentioned in the declaration from Breda, depended for their subsequent fate on the good pleasure of the sovereign.

I. With respect to Scotland, the first question submitted to the royal consideration was, whether it should remain in its present state of an incorporated province, or be restored to its ancient dignity of an independent kingdom. By his English advisers Charles was reminded that the Scots were the original authors of the calamities which had befallen his family; they were now, indeed, a conquered and prostrate people; but let him beware how he replaced them in a situation to display their accustomed obstinacy, and to renew their disloyal engagements. But the king cherished more kindly feelings towards the land of his fathers, and willingly acquiesced in the prayer of the Scottish lords, whom loyalty or interest had drawn to his court. The survivors of the committee of estates, whom he had named previously to his disastrous expedition into England in 1651, received orders to resume the government of Scotland; and the earl of Middleton was appointed lord commissioner, the earl of Glencairn lord chancellor, the earl of Lauderdale secretary of state, the earl of Rothes president of the council, and the earl of Crawford lord treasurer. The two first had repeatedly proved their loyalty in the field; the other three had suffered a long imprisonment for their services under the duke of Hamilton: of the five, Middleton chiefly possessed the confidence of the English cabinet, though Lauderdale, from the pliancy of his temper, and his constant attendance on Charles, had won the personal affection of the monarch.

In a short time a parliament was summoned to meet in Edinburgh.[2] The terrors of punishment for past delinquency had been held out as a warning to the prudence of the members; and the house was found to be composed of Cavaliers by principle, or of proselytes eager to prove the sincerity of their new political professions. To obtain from such men a recognition of the legitimate rights of the sovereign was an easy task; but the commissioner had in view an object of more difficult attainment. In his opinion, the royal authority could never be secure till the church, by the restoration of the hierarchy, should be rendered dependent on the crown; and, for this purpose, he undertook to exalt the prerogative, to demolish the covenant and the pretensions which had been built upon it, and to humble the pride, and curb the presumption of the kirkmen. By a series of acts it was declared that

[1] Pepys, i. 275. See the letter of Charles to Clarendon, in Harris, v. 32. State Trials, vi. 187—198. Ludlow, iii. 89.

[2] The proceedings of this parliament were afterwards called in question, because the members neglected to sign the covenant, a condition required by a law then in force, and declaring the constitution of parliament without it null and void.—Kirkton, 88. From the habitual intoxication of Middleton and his friends, it was called the Drunken parliament.—Id.

the power of appointing the chief officers in the state, of calling and dissolving parliaments, of commanding the forces, and of making treaties with foreign potentates, resided solely in the king; that without his assent no acts passed in parliament could obtain the force of law; that it was high treason for subjects to rise, or continue in arms, without the sanction of his authority; that all assemblies, under the pretence of treating of matters of state, civil or ecclesiastical, were, if holden without his special consent, contrary to law; that neither the solemn league and covenant, nor the treaties arising out of it, could authorize any seditious interference with the churches of England and Ireland; that, for the future, no man should take, or offer to be taken by others, the said covenant without his majesty's special warrant and approbation; and that every individual holding office should subscribe a declaration of his submission to these acts, and take an oath of allegiance, acknowledging the king to be "supreme governor over all persons and in all cases." The Presbyterian ministers viewed these enactments, so rapidly succeeding each other, with misgivings and apprehension; they knew not how to reconcile with their consciences a declaration which seemed to make the destiny of millions dependent on the will of a single man; and they discovered in the oath an implied acknowledgment of the king's spiritual supremacy, to the disherison of Christ and of the kirk. To their representations Middleton replied that the sovereign did not claim any ecclesiastical authority in "the word, the sacraments, or the discipline;" but when they prayed that the explanatory epithet "civil" might therefore be inserted before "governor," he contemptuously rejected their petition.[1]

Emboldened by his success, the commissioner ventured to recommend a measure unprecedented in the annals of Scotland. Though much had been done to clear the way before him, the lawyers still discovered a multitude of legal obstacles to the accomplishment of his object; and to save time and debate, he resolved by one sweeping and decisive act to annul all the proceedings of all the Scottish parliaments during the last eight-and-twenty years. The lord-treasurer and the young duke of Hamilton[2] objected, that one of these parliaments had been honoured with the presence and sanction of Charles I., and another with those of his son, and that to rescind them would be to repeal the act of indemnity, and the approbation of the "engagement." But Middleton replied, that on each occasion the king, though in possession of physical liberty, had been under moral restraint; and that the alleged acts, laudable as they were in their object, were grounded on motives so false and hypocritical, as to prove a disgrace to the national legislation. His reasoning, or his authority, silenced his opponents; the rescissory act was passed; and at one blow every legal prop of the Scottish kirk was levelled with the ground. The ministers looked around them with astonishment: they met in several counties to consult and remonstrate; but their synods were everywhere dispersed or suspended by the authority of the government.[3]

[1] Scottish Acts, p. 10, 12, 13, 16, 18, 45. Kirkton, 90. Wodrow, 21—24, 26; App. viii. Baillie, ii. 449, 450. Burnet, i. 197—199 (Oxford, 1823); and Middleton's Narration in Miscel. Aul. 179.

[2] A son of the marquess of Douglas, who obtained the title in consequence of his marriage with the heiress of the late duke of Hamilton, with twenty thousand pounds out of the customs of Leith.—Baillie, ii. 442.

[3] Scottish Acts, p. 86. Wodrow, 27, 31—34. Burnet, 199. Miscel. Aul. 182.

Another object of the commissioner, subsidiary to the former, was to intimidate by examples of punishment. In England, the demands of justice had been satisfied with the blood of the regicides; to expiate the guilt of Scotland, a more illustrious victim was selected, the marquess of Argyle. No man had more deeply offended in the opinion of the Cavaliers; they called for vengeance against the betrayer of his sovereign and the murderer of Montrose; and they represented him to Charles as the most crafty and selfish of demagogues; one who, under every change, whether he swayed the councils of the Scottish rebels, or placed the crown on the head of the true heir at Scone, or sat as a commoner in the parliament of the usurper Richard, had always contrived to conceal, under the mask of patriotism, his only real object, the aggrandizement of his family. The moment he arrived in London, to pay his court to the restored monarch, he was secured and conducted to the Tower; his petition for a personal interview was refused, through the influence of those who were acquainted with his insinuating manner, and the easy temper of the king; and Charles, to escape from the painful task of deciding on his fate, sent him back to Scotland, to be tried by his countrymen, or rather by his enemies in parliament.[1] From them Argyle had no reason to expect either justice or mercy. He first sought to obtain delay, by soliciting a commission to examine witnesses; then abandoning all defence, threw himself on the mercy of the sovereign; and, when his submission was rejected as unsatisfactory by the parliament, claimed the benefit of the amnesty formerly granted at Stirling. To this, in opposition to the remonstrances of Middleton, Charles declared that he was fully entitled; and thus the charge against him was confined to offences alleged to have been committed since 1651; which were, that he had repeatedly employed defamatory and traitorous language in speaking of the royal family; that he had obtained a grant of twelve thousand pounds from Oliver Cromwell; that he had given his aid to the English invaders against the liberty of his country; and that he sat and voted in the parliament of Richard Cromwell, which had passed a bill to abolish the right of the Stuarts to the crowns of the three kingdoms. It was replied, that of the words attributed to the accused, some had never been uttered by him at all, and others were susceptible of a very innocent meaning; that the money had been received from Cromwell, not as a reward for services rendered to the usurper, but as a compensation for losses suffered by the marquess; and that the laws which prevail under a legitimate government, ought not to be strictly applied to the conduct of subjects during a temporary usurpation; because, though it were treasonable to concur in transferring the sovereign authority to an unjust possessor, it might be meritorious to employ the authority so transferred for the good of the country. Now this was the case of Argyle. He sat, indeed, in Richard's parliament; but he sat there not to support the usurper, but to procure a diminution of the taxes imposed upon Scotland, to prevent the incorporation of the country with

[1] Wariston and Swinton were almost as odious to the Cavaliers as Argyle. The first escaped the search of his enemies, the second was discovered and apprehended. But the zealous and stubborn Covenanter dwindled into a meek and humble Quaker, and by the ingenuousness of his confession saved his life, though he forfeited his estate. The witlings, however, contended that, if he had not trembled, he never would have quaked.—Baillie, ii. 446. Kirkton, 98, 99. Wodrow, 86.

England, and to lend a helping hand to the restoration of the legitimate monarch. For some time his fate remained in suspense: it was decided by the arrival of a small parcel of four or five letters, formerly written by him, partly to Monk, partly to other Cromwellian officers.[1] With their purport we are not accurately acquainted; but the result proves that they contained strong assertions of enmity to the king, or of attachment to the protector. They were read in the house; his friends, oppressed with shame and despair, retired; and judgment of death was pronounced against the unfortunate nobleman. Still, could he have appealed to the king, his life would probably have been spared; but his judges allowed him only forty-eight hours to prepare for death, and he employed them in seeking from God that mercy which was refused to him by man. In the fervour of his prayer, he thought that he heard a voice saying, "Son, be of good cheer, thy sins are forgiven thee;" and, under this persuasion, he mounted the scaffold with an intrepidity which disappointed the malice of his enemies, and expressed an attachment to the covenant, which raised him to the rank of a martyr in the estimation of the kirkmen. His head was struck off by the maiden, and fixed on the same spike which had been crowned with that of his reputed victim, Montrose.[2]

That the forms of justice were violated in this celebrated trial, no one can doubt. Whatever may have been the offences of Argyle, they were not judicially proved. But he had rendered himself odious to the Cavaliers by his strenuous advocacy of the covenant, to his countrymen by his subserviency to their English conquerors, and to the more moderate part of the clergy by his adhesion to the remonstrants. It was supposed that his death had been hastened by his enemies, as much through the hope of enriching themselves from the wreck of his fortune, as for the gratification of revenge. But Charles rescued his vast possessions from their grasp, and gave them back, with some exceptions, to his eldest son, whom he created earl of Argyle.[3]

The execution of this nobleman was followed by that of Guthrie, one of the most violent and influential among the protesting ministers. He had formerly excommunicated Middleton, had joined the western remonstrants, and been one of the compilers of the tract entitled "The Causes of God's Wrath;" and since the restoration, he had called, in defiance of the committee of estates, a meeting to remind the king of the duties imposed on him by the covenant, and to warn him against the employment of malignants in his service. He attempted to vindicate his conduct by appealing to the confession of faith, the national covenant,

[1] Whether such letters were in reality furnished by Monk, is a disputed question; the affirmative of which is strongly maintained by the editor of Howell's State Trials, x. 764, note. But that they were letters of "friendship and confidence," appears to me very uncertain. For though Burnet and Cunninghame represent Monk and Argyle as living in habits of friendship, the documents in Thurloe show that they were distrustful of each other.—Thurloe, v. 604; vi. 341; vii. 584.

[2] State Trials, v. 1369—1508. Baillie, ii. 451, 452. Kirkton, 100—104. Wodrow, 42—57; App. 23—28, 30—45. Clarendon, 58, 912. Burnet, i. 207—214. At the same time "the parliament thought fit to honour Montrose his carcase with a glorious second burial, to compensate the dishonour of the first, and with him one Hay, of Delgattie (a flagitious papist), and one of his colonels."—Kirkton, 122.

[3] The young Argyle, in a private letter to the Lord Duffus, complained in no very measured terms of the commissioner and the parliament. The letter was intercepted, and the writer accused of *leasingmaking*, which by the Scottish law was a capital offence. The parliament condemned him to death; but Charles granted him a pardon, and, after some time, discharged him from prison.—Kirkton, 143.

the solemn league and covenant, and the unbending opposition which he had always offered to the usurpation of the Cromwells. But it was resolved that one of the clergy should suffer as an example to the rest; and his colleague, Gillespie, who, by the turbulence of his zeal, and his proud contempt of the civil authority, had earned an equal, if not a better, claim to the crown of martyrdom, descended from his high pretensions, and submitted to solicit the royal pardon, on condition of promoting the cause of episcopacy. Guthrie appeared on the scaffold with an air of triumph, and harangued the spectators in his usual tone of invective and enthusiasm. He declared that God was wroth at the sins of the people; he threatened them with the worst of the divine judgments; and foretold that the candlestick of the kirk would be removed out of its place, a prediction which was verified sooner, perhaps, than he expected. In company with him perished the third and last victim, a Captain Govan, who had laid down his arms at Hamilton, and deserted to Cromwell. Why he was selected to suffer in preference to so many others, no one knew; but it was generally thought that his offence might have been passed over without notice, on account of the utter insignificance of the man.[1]

On the first news of the king's restoration, the Scottish ministers had most anxiously deprecated the extension to Scotland of the indulgence to tender consciences promised by him at Breda; in the course of a year they were compelled to solicit for themselves, and to solicit in vain, that indulgence which they had so sternly refused to others.[2] By the 16th act of the session, "the settling and securing of church government, as might be consistent with scripture, monarchy, and peace," had been intrusted to the king: Middleton now assured him that the restoration of episcopacy was the earnest wish of the nation; and a proclamation soon announced the royal intention of gratifying that wish, and at the same time prohibited all meetings of synods and presbyteries. Of the former prelates, Sydserf alone survived; but he was a man of no estimation with either party; and though his ambition aspired to the archiepiscopal see of St. Andrew's, he was compelled to content himself with the distant bishopric of Orkney. The first dignity in the restored hierarchy was given to one whose elevation filled the ministers with rage and despair—to Sharp, who had been sent to London as their agent for the purpose of preserving the independence of the kirk, and who now returned wearing the archiepiscopal mitre, the lord of his former equals, and the subverter of their spiritual rights. In revenge, they pried into the frailties of his private, and condemned him of perfidy in public, life. The charge of incontinency and infanticide may, with probability, be attributed to the malice of his enemies; but the result of his mission, so advantageous to himself, so disastrous to his employers, must throw doubts on his integrity; and few, who have read his letter to Middleton of May 28th,[3] will give credit to his assertions that he served the kirk faithfully while there remained a chance of success, and only accepted the archbishopric when he saw that his refusal would leave it open to the ambition of men of violent and dangerous principles. By his advice, Fairfowl was named to the see of Glasgow, Hamilton to that of Galloway, and Leighton to that of Dun-

[1] Baillie, ii. 455, 457. Kirkton, 109, 110, 111. Wodrow, 57—70, 77; App. 47. Burnet, i. 214.

[2] Baillie, ii. 459. Wodrow, Introd. 21, 22; App. to ditto, 57.

[3] See it in Archæol. Scot. ii. 103.

blane. The two first never equalled the expectations which they had raised; the third, son of the Dr. Leighton who, under Charles I., suffered as the author of "Zion's Plea against Prelates," was so distinguished by his piety, disinterestedness, and learning, that the enemies of episcopacy could offer no other objection against him, than that he was in heart a papist. The four prelates were summoned to the English capital to receive episcopal ordination, "a flower not to be found in a Scottish gardine;" they were consecrated at Westminster by Sheldon, bishop of London, and the event was celebrated with a banquet, the luxury and splendour of which afforded matter of censure to their opponents, and scandalized the simplicity of Leighton. From the English capital they repaired to their own country. At Edinburgh they were received in solemn procession, the parliament invited them by deputation to take their seats in the house, and an act was passed restoring them to "the exercise of the episcopal function, precedence in the church, power of ordination, infliction of censures, and all other acts of church discipline:" and ordaining that, "whatever should be determined by his majesty, with their advice and that of other clergymen nominated by him, in the external government and policy of the church, should be valid and effectual." In a short time the number of prelates was augmented to fourteen, and all ministers who had entered on their livings since the year 1649, were ordered to receive collation from their respective bishops under the penalty of deprivation.[1]

To gild this bitter pill, the commissioner advised the king to withdraw the English forces from Scotland. This he thought reasonable, and his English counsellors, though they still wished to keep their northern neighbours under the yoke, reluctantly acquiesced in the pleasure of their sovereign. The garrisons were recalled, and the fortifications, the badges of Scottish slavery, were demolished. Such, to Scotland, was the immediate result of the restoration; the nation recovered its civil, and lost its ecclesiastical independence.[2]

II. The reader is aware, that in Ireland a new race of proprietors had arisen, soldiers and adventurers of English birth, who, during the late revolutionary period, had shared among themselves the lands of the natives, whether royalists or Catholics. On the fall of Richard Cromwell, a council of officers was established in Dublin; these summoned a convention of deputies from the Protestant proprietors; and the convention tendered to Charles the obedience of his ancient kingdom of Ireland. It was not that the members felt any strong attachment to the cause of royalty; they had been among the most violent and

[1] Baillie, ii. 459, 460. Kirkton, 81, 85, 135—138. Miscel. Aul. 184. Wodrow, i. 96—163, 114, 116; App. 52. Clarendon, 213. Burnet, i. 223—238. The English bishops would not allow of the Presbyterian ordinations, nor admit that episcopacy, as the plenitude of the sacerdotal character, necessarily included the lower orders, a principle on which Spotiswood, in the reign of James I., had been consecrated bishop without passing through the preliminary orders of deacon and priest. On this account Sharp and Leighton, who had not received episcopal ordination, were compelled to receive these two orders preparatory to that of bishop. But, after their return to Scotland, in conferring orders, they acted on the principle previously adopted at the consecration of Spotiswood. —Burnet, i. 237. Wodrow, i. 102. Kirkton, 137. At the same time, to divert the attention of the more fervent from these changes, they were exhorted to exercise their zeal against papists and witches. All the acts against the former were ordered to be put in execution, and commissioners, to search for the latter, were appointed in almost every parish. Multitudes were executed for this imaginary offence.—Wodrow, 107, 108, 109.

[2] Clarendon, 213—216. Burnet, i. 183. Wodrow, 107. Lister, iii. 132.

enterprising of its adversaries; but their fear of the natives, whom they had trampled in the dust, compelled them to follow the footsteps of the English parliament. To secure the royal protection, they made the king an offer of a considerable sum of money, assured him, though falsely, that the Irish Catholics meditated a general insurrection, and prayed him to summon a Protestant parliament in Ireland, which might confirm the existing proprietors in the undisturbed possession of their estates. The present was graciously accepted; and the penal laws against the Irish Catholics were ordered to be strictly enforced; but Charles was unwilling to call a parliament, because it would necessarily consist of men, whose principles, civil and religious, he had been taught to distrust.[1]

The first measure recommended to him by his English advisers with respect to Ireland, was the re-establishment of episcopacy. For this no legislative enactment was requisite. His return had given to the ancient laws their pristine authority, and by these laws no other form of church government was acknowledged. In virtue, therefore, of his supremacy, Charles directed the surviving bishops to take possession of their respective dioceses, nominated new prelates to the vacant sees, and authorized them to reclaim all ecclesiastical property which had fallen into the hands of laymen. The Presbyterian ministers petitioned against this measure; and, had the recent settlers been true to their principles, a most formidable opposition would have been raised. But mammon got the better of conscience: they dared not provoke a monarch on whose pleasure they depended for the preservation of their lands; and, in a short time, the episcopal hierarchy was quietly restored to the enjoyment of its former rights and the exercise of its former jurisdiction.[2]

To this, a work of easy accomplishment, succeeded a much more difficult attempt,—the settlement of landed property in Ireland. The military, whom it was dangerous to disoblige, and the adventurers, whose pretensions had been sanctioned by Charles I., demanded the royal confirmation of the titles by which they held their estates;[3] and the demand was opposed by a multitude of petitioners claiming restitution or compensation, by officers who served in the royal army before 1649, and had not yet received the arrears of their pay; by Protestant loyalists, whose property had been confiscated under the commonwealth; by Catholics who had never joined the confederate assembly at Kilkenny, or had faithfully observed the peace concluded with Ormond, or had served under the royal banners in Flanders; by heirs, whose estates had been forfeited on account of the misconduct of the last holders, though such holders were but tenants for life; by widows, who had been deprived of their jointures; and by creditors, who could no longer recover on bond or mortgage.[4] Humanity, gratitude, and justice called on the king to listen to many of these claims. He sincerely deplored the miserable state of the Irish natives,

[1] Clar. Contin. 57. [2] Clar. 105.

[3] Charles I. had given his assent to the first act (17 Car. 1), but the parliament had afterwards, in 1643, passed the doubling ordinance, by which, whoever advanced one-fourth more on his original subscription, received credit for twice the amount of the whole sum actually furnished. The subscriber of one thousand pounds, by adding two hundred and fifty pounds, became creditor to the amount of two thousand five hundred pounds, and was entitled to lands in Ireland of that value. Where the original subscriber refused, any other person might advance the fourth, and receive the whole benefit arising from the advance, which the first had forfeited.—Carte's Ormond, ii. 224. In the subsequent settlement of Ireland all claims of doubling were rejected. [4] Clar. 60—66.

whom the republicans had swept from the soil of their birth, and "transplanted" on the barren district beyond the Shannon; and he deemed himself bound in honour and conscience to protect the interests of the loyalists, who had followed him in his exile abroad, or at his command had left the service of foreign powers to form the royal army on the continent.[1]

From an estimate delivered to the king, it appeared that there still remained at his disposal forfeited lands of the yearly rental of from eighty to one hundred thousand pounds; a fund sufficiently ample, it was contended, to "reprize" or compensate all the Irish really deserving of the royal favour. Under this impression, Charles published his celebrated declaration for the settlement of Ireland. It provided, that no person deriving his title from the adventurers under the parliament, or the soldiers under the commonwealth, should be disturbed in the possession of his lands, without receiving an equivalent from the funds for reprisals; that all innocents, whether Protestants or Catholics, that is, persons who had never adhered either to the parliament or the confederates, should be restored to their rightful estates; and that of those who claimed under the peace of 1648, such as had accepted locations in Clare and Connaught should be bound by their own acts, compulsory as those acts had been; but the others should recover their former possessions, or receive lands of equal value.

To this arrangement was appended a list of the qualifications of innocence, but so constructed as to exclude from the benefit of that plea the greatest possible number of Catholics. Not only to have openly adhered to the confederates, but even to have corresponded with them, or to have derived advantage from the treaties concluded between them and Ormond, or to have lived quietly at home, if that home was situated within the quarters of the confederates, were to be taken as conclusive evidence of guilt, and an effectual bar to relief.[2]

The subject now came before the Irish parliament. The Commons, who had been returned by the preponderating influence of the soldiers and adventurers, voted that the declaration should be passed into a law; but by the Lords it was contended that such a law would reduce the old families, both Catholic and Protestant, to a state of penury, in order to establish a new and upstart interest in Ireland. By order of the former, a deputation of the house proceeded to London to lay the draft of a bill before the king in council; but the Lords appointed four commissioners to oppose some of its provisions; and the Catholics seized the opportunity to petition by agents in their own favour.

The contending parties were repeatedly heard by Charles himself; and the Irish had reason to expect a favourable result, when they marred their cause by their imprudence.[3] In the ardour of declamation, they not only defended themselves, but assailed others. Why, they asked, were they to be deprived of their estates in favour of rebels and traitors? Because, it was answered, they stood there covered with the blood of one hundred thousand Protestants massacred by them during their rebellion.[4] They indeed denied the

[1] Clar. 112.

[2] Irish Statutes, ii. 239—348. Carte's Ormond, ii. 216.

[3] See Ormond's Letter in Carte, ii. 233.

[4] Walsh (Irish Colours Folded, p. 3) asserts that their opponents raised the number to three hundred thousand. Mrs. Macauley (Hist. vi. 62) tells us that no attempt was made by the papists to "disprove the assertion" respecting the massacre. Most assuredly she could never have heard of the several tracts written at the time, and provoked by this charge; such as the Irish Colours Folded, by P.W.;

charge; they retorted it in the face of their accusers; murder was a crime with respect to which they were more sinned against than sinning. Their only wish was that an inquiry should be instituted; and that the real murderers, whatever were their religion, should be excluded from the benefit of the bill of indemnity. But the patience of Charles (he had hitherto attended the debates with the most edifying assiduity) was exhausted; he longed to withdraw himself from the recriminations of these violent disputants; and on the discovery of an obnoxious paper, formerly signed by Sir Nicholas Plunkett, one of the agents, ordered the doors of the council to be closed against the deputies of the natives. The heads of the bill were then arranged, returned to Dublin, and ultimately passed into a law by the parliament.[1]

But to execute this act was found to be a task of considerable difficulty. By improvident grants of lands to the church, the dukes of York, Ormond, and Albemarle, the earls of Orrery, Montrath, Kingston, Massereene, and several others, the fund for reprisals had been almost exhausted; and yet it was from that fund that compensation was to be furnished to the forty-nine officers, to the ensignmen, or those who had served in Flanders, and to the soldiers and adventurers, who might be compelled to yield up their plantations by the Court of Claims. Among this class, indeed, a general alarm was excited; for in the course of six months, during which the commissioners sat, several hundred decrees of innocence had been issued, and three thousand petitions still remained for investigation. To secure themselves, they demanded an explanatory act; the duke of Ormond, now lord-lieutenant, repaired to London, and ten months were spent in useless attempts to reconcile the jarring interests of the different parties.

From the very beginning of these transactions, the actual occupants of the lands had displayed a bold defiance of decency and justice in their efforts to bring the cause to a favourable termination. 1. They had recourse to bribery. A fund of more than twenty thousand pounds was subscribed, and placed in the hands of Sir James Sheen, who hastened to London, and purchased, at different rates, the patronage and good offices of persons supposed to possess influence in the council, or over the mind of the king.[2] 2. To keep up the irritation of the public mind against the Irish Catholics, they had circulated reports of an intended rebellion, forwarded to the council informations respecting imaginary plots, and at length produced a treasonable letter, supposed to be written by one clergyman to another, and dropped by the latter, as he made his escape from the officers of justice. Many priests were immediately apprehended; all Catholic shopkeepers and mechanics were banished out of the principal towns; and the houses of the Catholic gentry were searched for the discovery of arms and ammunition. But the two clergymen, the supposed writer

a Collection of some of the Massacres and Murders committed on the Irish since 1641; or Walsh's Reply to a person of Quality; or to a Person of Quality's Answer; or his Letter to the Bishop of Lincoln, p. 225—230; or a Letter to a Member of Parliament, showing the Hardships, Cruelties, &c.; or a Briefe Narrative of Cruelties committed on the Irish. In Ireland's Case briefly Stated, p. 41, an attempt is made to prove that the number of persons murdered by the Protestants exceeded by six times that of those murdered by the Catholics.

[1] Clar. 106—115. Carte, ii. 245. Memoirs of Orrery, 67—70. The obnoxious paper was the copy of instructions from the supreme council in 1648 to their agent, to offer Ireland to the pope, or any Catholic power that would undertake to defend them against the parliament.—Carte, ibid.

[2] Orrery, Letters, 101. Carte, ii. 232.

and receiver of the letter, boldly came forward, and proved the forgery, to the entire satisfaction of the council, and the confusion of those who had fabricated the pretended conspiracy.[1]

The Irish house of Commons, which was composed of persons deeply interested in the result, submitted to the approbation of the lord-lieutenant a new code of rules to be established in the Court of Claims. By him it was rejected, on the ground that such rules would render the proof of innocence almost impossible; and its authors, in a moment of irritation, moved and carried a bold and dangerous vote, pledging the house to defend the Protestants of Ireland against the unjust decisions of the commissioners. The consequence was soon apparent. The knowledge of this vote awakened from its slumbers the revolutionary spirit of the settlers, who had formerly borne commissions in the republican armies. They had won their lands with the sword, why should they not defend them with the sword? Associations were formed; plans of attack were arranged; and two plots, having for their object to seize the castle of Dublin, and secure the person of the lord-lieutenant, were defeated by the previous disclosures of some among the conspirators. Of these, the greater part merited pardon by the humble confession of their guilt; several suffered the penalty of death.[2]

The duration of this perplexing controversy at last induced the most obstinate to relax from their pretensions; and the soldiers, the adventurers, and the grantees of the crown, unanimously consented to augment the fund for reprisals by the surrender of one-third of their acquisitions. The king by this measure was placed in a situation, not indeed to do justice, but to silence the most importunate or most deserving among the petitioners; and, by an explanatory act, he gave to the forty-nine Protestant officers the security which they sought, and added twenty Catholics to a former list of thirty-four nominees, or persons to be restored to their mansion-houses, and two thousand acres of land. But when compensation had thus been made to a few of the sufferers, what, it may be asked, became of the officers who had followed the royal fortune abroad, or of the three thousand Catholics who had entered their claims of innocence? To all these, the promises which had been made by the act of settlement were broken; the unfortunate claimants were deprived of their rights, and debarred from all hope of future relief. A measure of such sweeping and appalling oppression is perhaps without a parallel in the

[1] On this occasion a protestation of allegiance, composed by Richard Bellings, was approved at a private meeting in Dublin, and transmitted to London, where it was signed by the principal of the Irish Catholics in the capital, one bishop, several clergymen, and many peers and gentlemen. By Charles it was graciously received; but certain passages in it were disapproved in Rome, and censured by the university of Louvain. This did not prevent the leading Catholics in Dublin from subscribing their names to a circular letter exhorting the laity to sign the protestation or remonstrance. Ormond, however, ordered the letter to be suppressed; and when other instruments were offered to him, similar in their object, but less offensive to the court of Rome in their language, he rejected them as unsatisfactory. In 1666 a synod of the clergy subscribed a new form, founded on the celebrated articles of the Gallican church; but this he also refused to accept.—See Walsh, History and Vindication, &c. 97, 694. What was Ormond's real motive? "My aim," he says in a private letter, "was to work a division among the Romish clergy, and I believe I had accomplished it, to the great security of the government and the Protestants, and against the opposition of the pope, and his creatures and nuncios, if I had not been removed."—Carte, ii. App. 101.

[2] Carte, 261, 265, 268, 270. Orrery, Letters, 134.

history of civilized nations. Its injustice could not be denied; and the only apology offered in its behalf, was the stern necessity of quieting the fears and jealousies of the Cromwellian settlers, and of establishing on a permanent basis the Protestant ascendancy in Ireland.[1]

Though, to facilitate the execution of the act, it was provided that any doubt on its construction should be interpreted in favour of the Protestant party, yet so many difficulties occurred, that several years elapsed before the settlement was completely accomplished. The following is the general result. The Protestants were previously in possession of about one moiety of all the profitable lands in the island; of the second moiety, which had been forfeited under the commonwealth, something less than two-thirds was by the act confirmed to the Protestants; and of the remainder, a portion almost equal in quantity, but not in quality, to one-third, was appropriated to the Catholics.[2]

[1] Clar. 112, 134. Carte, 310—316. Irish St. vol. iii. 2—137.

[2] From a valuable MS. paper belonging to Sheffield Grace, Esq., and published by him in his interesting Memoirs of the Family of Grace, it appears that the profitable lands forfeited in Ireland under the commonwealth amounted to seven million seven hundred and eight thousand two hundred and thirty-seven statute acres, leaving undisturbed about eight million five hundred thousand acres belonging to the Protestants, the constant good-affection men of the Irish, the church, and the crown, besides some lands never seized or surveyed.

In 1675, the forfeited lands had been disposed of as follows:—

Granted to the English.

	St. Acres.
Adventurers	787,326
Soldiers	2,385,915
Forty-nine officers	460,380
Royal Highness Duke of York	169,431
Provisors	477,573
Duke of Ormond and Col. Butler's lands	257,516
Bishops' augmentations	31,596
	4,560,037

Granted or disposed of to the Irish.

	St. Acres.
Decrees of innocence	1,176,620
Provisors	491,001
King's letters of restitution	46,398
Nominees in possession	68,360
Transplantation	541,530
	2,323,809

The forty-nine officers are those who claimed arrears for service under the king before 1649. The duke of York received a grant of all the lands held by the regicides who had been attainted. Provisors were persons in whose favour provisoes had been made in the acts. Nominees were the Catholics named by the king to be restored to their mansion-houses and two thousand acres contiguous. Transplantation refers to the Catholics whom Cromwell forced from their own lands, and settled in Connaught.

There remained eight hundred and twenty-four thousand three hundred and ninety-one acres still unappropriated, which were parts of towns, or possessed by English or Irish without title, or, on account of some doubts, had never been set out.—Mem. 37—39.

CHAPTER II.

MARRIAGE OF THE DUKE OF YORK WITH ANNE HYDE—OF THE KING WITH THE PRINCESS OF PORTUGAL—SALE OF DUNKIRK TO THE FRENCH—DECLARATION OF INDULGENCE TO TENDER CONSCIENCES—DISAPPROVED BY BOTH HOUSES—GREAT NAVAL VICTORY—THE PLAGUE IN LONDON—FIVE-MILE ACT—OBSTINATE ACTIONS AT SEA.

AMONG the immediate consequences of the restoration, nothing appeared to the intelligent observer more extraordinary than the almost instantaneous revolution which it wrought in the moral habits of the people. Under the government of men making profession of godliness, vice had been compelled to wear the exterior garb of virtue; but the moment the restraint was removed, it stalked forth without disguise, and was everywhere received with welcome. The Cavaliers, to celebrate their triumph, abandoned themselves to obriety and debauchery; and the new loyalists, that they might prove the sincerity of their conversion, strove to excel the Cavaliers in licentiousness. Charles, who had not forgotten his former reception in Scotland, gladly availed himself of the opportunity to indulge his favourite propensities. That affectation of piety and decorum which had marked the palace of the protector Oliver, was soon exchanged for a perpetual round of pleasure and revelry; and the court of the English king, if inferior in splendour, did not yield in refinement and voluptuousness, to that of his French contemporary Louis XIV. Among the females who sought to win his attentions (and this, we are told, was the ambition of several[1]), the first place, both for beauty and influence, must be allotted to Barbara Villiers, daughter of Viscount Grandison, and wife to a gentleman of the name of Palmer.[2] On the very day of the king's arrival in the capital, she established her dominion over his heart, and contrived to retain it for years, in defiance of the inconstancy of his disposition and the intrigues of her rivals. With her Charles generally spent several hours of the day; and, even when the council had assembled to deliberate in his presence, the truant monarch occasionally preferred to while away his time in the bewitching company and conversation of his mistress.[3]

James and Henry, the dukes of York and Gloucester, religiously copied the example set by their sovereign and elder brother. But before the lapse of six months, Henry was borne to the grave;[4] and soon afterwards it began to be whispered at court, that James was married to a woman of far inferior rank, Anne, the daughter of the chancellor Hyde. The duke had become acquainted with her at the court of his sister, the princess of Orange, to whom she was maid of honour. Anne possessed few pretensions to beauty; but wit and

[1] Reresby, 7.

[2] Roger Palmer was son of Sir James Palmer, chancellor of the garter, by Catherine, eldest daughter of Sir William Herbert, afterwards earl of Powis. Roger Palmer was created by Charles II. earl of Castlemaine and Baron Limerick. He died in 1705.

[3] "He delighted in a bewitching kind of pleasure called sauntering."—Sheffield, ii. 78.

[4] The king mourned in purple.—Pepys, i. 139.

manner supplied the place of personal charms;[1] she attracted the notice of the young prince, and had the address to draw from her lover a promise, and afterwards a private contract, of marriage. From the Hague, she followed the royal family to England; and, in a few months her situation induced James to marry her clandestinely, according to the rite of the church of England,[2] and to reveal the important secret to the king, whose objections (for he heard it with pain) were soon subdued by the passionate importunity of his brother. To most fathers this alliance would have proved a subject of joy; but Hyde, with expressions of anger, the extravagance of which might have provoked a doubt of their sincerity, affected to deplore the disgrace of the royal family, and advised Charles, after the precedents of former reigns, to send the presumptuous female to the Tower. Unable to persuade the king, who, perhaps, laughed at his officiousness in secret, he confined, in virtue of his parental authority, the undutiful daughter to a room in his own house; while, by the connivance of one of the family, probably the mother, James had free access to the cell of the captive, and sought by his assiduity to console her for the displeasure, whether it were real or pretended, of her father. Neither had the father much reason to complain. The king made him a present of twenty thousand pounds, and raised him, by the title of Baron Hyde of Hindon, to the peerage.[3]

The choice of James was severely condemned by his mother, by his eldest sister, and by the political enemies of the chancellor. The princess of Orange, who had recently arrived in England, declared to the king, that she would never yield the precedence to a woman who had stood as a servant behind her chair. The queen-mother indulged in terms of the bitterest reproach; and hastened her promised visit to her children, that she might prevent so foul a disgrace to the royal houses of England and France.[4] Charles Berkeley, whether he was influenced by enmity to Hyde, or by the hope of making his fortune, came to their aid, affirming with oaths, that Anne had formerly been his mistress, and bringing forward the earl of Arran, Jermyn, Talbot, and Killigrew, as witnesses of her loose and wanton behaviour. Lastly, divines and lawyers were produced, grave and learned casuists, who maintained, in presence of the duke, that no private contract of marriage on his part could be valid without the previous consent of the sovereign. The resolution of James was shaken; he interrupted his visits to Worcester House, and assured his mother and sister that he had ceased to look upon Anne as his lawful wife.

In a few weeks she was delivered of a son. While she lay in the throes of childbirth, her confessor, Dr. Morley,

[1] La duchesse de York est fort laide; la bouche extraordinairement fendue, et les yeux fort ensaillez, mais trés courtoise.—Journal de Monconis, p. 22, Lyons, 1666. Hamilton says, that she had l'air grand, la taille assez belle, et beaucoup d'esprit.—Mem. de Grammont, i. 149, edition de Cazin. Pepys, that she was a plain woman, like her mother (i. 188).

[2] Kennet's Register, from the Council Book, 391. [3] Clarendon, 31, 32.

[4] She previously intended to come, that she might meet all her children together, and look after her dower.—Clar. 32—36. It would appear, that the lands settled on her as her dower had been in a great measure shared among persons who had a hand in her husband's death. On inquiry, the present holders were found to be Okey, Walton, Scroop, Norton, Pride, Whalley, Edwards, and Tichborne, the king's judges; Denby, serjeant-at-arms to the court; Lambert and Blackwell.—Jour. of Com, 1660, June 23.

bishop elect of Worcester,[1] standing by the bedside, adjured her, in the name of the living God, to speak the truth before the noble ladies, who attended by order from the king. To his questions she replied, that the duke was the father of her child, that they had been contracted to each other before witnesses, and that she had always been faithful to his bed.

For some days James had continued silent and melancholy. The birth of the child, and the assertions of the mother, revived his affection; on examination, Berkeley confessed that his charges against her were calumnies, and the duke, ashamed of his credulity, resolved to do her justice. He visited her at her father's house, sent for her accusers, and introduced them to her by the title of duchess of York. They knelt, she gave them her hand to kiss, and, acting up to the instructions of her husband, never afterwards betrayed any hostility against them. One of her enemies, the princess of Orange, died; and the queen-mother, at the request of the French minister Mazarin, who wished to conciliate the chancellor, desisted from her opposition. Anne was received by her at court with a smiling countenance, and the appellation of daughter; and the new duchess supported her rank with as much ease and dignity as if she had never moved in an inferior situation.[2]

This marriage was founded in affection: two others followed, the origin of which is to be sought in the policy of courts. The treaty which Mazarin concluded with Cromwell had taught the French monarch to value the aid of that power by which he had been enabled to conclude with honour and profit the long and expensive war with Spain. Still Spain was a formidable rival: the existing peace was considered by the two cabinets as only a breathing-time, preparatory to the renewal of hostilities; and Louis, to secure the services of England under the restored dynasty, resolved to cultivate the friendship of the prince whom, to gratify Cromwell, he had formerly excluded from his dominions. This became, during the whole reign of Charles, one great object of French policy; and the first step taken was the proposal, through the queen-mother, of a marriage between Henrietta, the youngest sister of Charles, and Philip, the only brother of Louis. To Henrietta it opened a brilliant and seducing prospect; by the English king it was received with joy and gratitude; and the ceremony was performed with becoming magnificence, soon after the return of the princess with her mother to France.[3]

Charles himself, in 1659, with the hope of repairing by the assistance of France the loss which his interests had suffered from the defeat of Sir George Booth, had made the offer of his hand to the niece of the Cardinal Mazarin; but that minister, aware of the weakness of the royal party in England, modestly declined the honour, as far above the pretensions and the wishes of his family. In a few weeks the tide of popular feeling turned in favour of royalty, and

[1] Morley tells us, that she was accustomed to receive the sacrament every month, and then proceeds thus: "Always the day before she received, she made a voluntary confession of what she thought she had offended God in, either by omission or commission, professing her sorrow for it, and promising amendment in it; and then kneeling down, she desired and received absolution in the form and words prescribed by our church."—Morley, apud Kennet, Register, 385.

[2] See Clarendon's very minute and ridiculous account of the whole transaction, 28—40. Pepys, i. 144, 160, 162, 164, 165. Mem. de Gram. i. 233—241.

[3] These reasons are assigned by Louis himself, as his motive for proposing the marriage.—Œuv. i. 61. Charles, by the marriage contract, bound himself to give to his sister forty thousand jacobuses, by way of portion, and twenty thousand as a present.—Dumont, vi. part ii. p. 354.

Mazarin sought to renew the negotiation; but the king's ardour for the lady had already cooled; to recover his crown, he wanted not the assistance of her uncle; and he was unwilling to bind himself in the trammels of wedlock.[1] After his return, the more sober among his counsellors saw with pain the scandal which he gave by his amours; they repeatedly and earnestly advised him to marry; and at last the example of his brother induced him to think seriously on the subject. But against the royal and princely families in the north of Europe he had, from some cause or other, contracted an invincible antipathy; and to marry a Catholic princess from the south was likely to shock the religious prepossessions of the majority of his subjects. From this state of indecision he was drawn by a tempting proposal, made through the Portuguese ambassador, at the secret instigation of the French court. During the war between France and Spain, Portugal, with the aid of the former, had preserved its independence; but, by the treaty of the Pyrenees, Louis had bound himself to leave the house of Braganza and its rebellious adherents to their fate. It was not, however, his intention that Portugal should be again incorporated with Spain; and, aware that the king, Alphonso, a weak prince, under the guardianship of his mother, could oppose no effectual resistance to his more powerful foe, he suggested to the court of Lisbon a marriage between the infanta Catarina, the king's sister, and Charles, king of England. It would induce the English monarch to support the pretensions of his wife's family, and would open a new channel, through which France might forward assistance to Portugal without any manifest violation of its friendly relations with Spain.[2] The advice was adopted; and Francisco de Mello, the ambassador in London, offered with the princess a dower of five hundred thousand pounds, the possession of Tangier on the coast of Africa, and of Bombay in the East Indies, and a free trade to Portugal and the Portuguese colonies. Charles consulted Hyde, Ormond, Southampton, and Nicholas; their advice concurred with the royal inclination; and De Mello was given to understand that the proposal would be accepted.[3]

The treaty with this minister had not escaped the notice of Vatteville, the Spanish ambassador, who, the moment he discovered its real object, represented to the king, that Spain would never forego her claim to the crown of Portugal; that the Donna Catarina was known to be incapable of bearing children; and that a marriage with her would infallibly lead him into a war, and deprive his subjects of the Spanish trade; but that, if he chose to take one of the two princesses of Parma, Philip would give with either the dower of a

[1] James, Memoirs, i. 395.

[2] Le premier de soutenir les Portugais que je voyois en danger de succomber bientôt sans cela; le second de me donner plus de moyen de les assister moi-même, si je le jugeois nécessaire, nonobstant le traité des Pyrénées, qui me le defendoit.—Louis, Œuvres, i. 63. It is amusing to observe how the royal casuist proceeds to justify this underhand dealing, the sending, under false names, of forces to the aid of a power, which he had bound himself by treaty entirely to desert. He tells us that the experience of centuries had taught the French and Spanish courts to know the real import of the words employed in the treaties between them; that the expressions "perpetual peace" and "sincere amity," &c. were used with as little meaning as compliments in ordinary conversation; and that neither party expected any thing more from the other than to abstain from manifest and public violations of the articles, while each remained at liberty to inflict on his rival, by clandestine and circuitous means, every injury in his power. This necessarily followed from the great principle of self-preservation.—Ibid. 63—65.

[3] Clarendon, 78—81.

daughter of Spain. Charles began to waver; he listened to the suggestions of the earl of Bristol, the enemy of the Portuguese match; and that nobleman proceeded by his order on a secret mission to the city of Parma. There he saw the two princesses on their way to church, and nothing more was necessary to hasten his return. One was so plain, the other so corpulent, that he dared not recommend either to the royal choice.[1]

In the mean time Charles had been recalled to his first intention by the remonstrances of his advisers and the arguments of the French king. Bastide, secretary to the late ambassador Bordeaux, arrived in England with a commission to purchase lead for the royal buildings in France; but, in a private conference with Hyde, he informed that minister that his real object was to propose the means of establishing a private communication between the two kings, to be conducted by the chancellor on one part, and Fouquet on the other, without the knowledge of their colleagues in the cabinet, or of the ordinary ambassadors at either court. Charles eagerly accepted the proposal; and the correspondence was maintained during five months, till the disgrace of Fouquet. During that time Louis continually inculcated the advantages of the Portuguese match; offered Charles a considerable sum of money to purchase votes in the parliament; consented to lend him fifty thousand pounds whenever he might want it, and engaged to furnish two millions of livres, in the event of a war between England and Spain.[2] Thus was laid the foundation of that clandestine and confidential correspondence between Charles and Louis, which, in a short time, rendered the king of England the pensionary, and therefore, in a great measure, the dependant, of his good brother the king of France.

But Vatteville did not long rely on the success of Bristol's mission. The representative of the Catholic king undertook to dissuade Charles from marriage with a Catholic princess; he proposed to him a daughter of the king of Denmark, or of the elector of Saxony, or of the prince of Orange, and engaged that his master should give with any of them the same portion which had been offered with a princess of Parma. At the same time he sought to form a party in the parliament and the city. He opened his table to the discontented, distributed money to the needy, and scattered in the streets printed copies of his memorials against a Catholic, and of his offers in favour of a Protestant, match. But these efforts proved fruitless. The amount of the dower, the settlements in the Mediterranean and the East Indies, and the concession of an unrestricted trade to Portugal and its dependencies, presented advantages certain and present; while the dangers predicted on the score of the infanta's religion were at the best distant and uncertain. A full council of eight-and-twenty members had, without a dissentient voice, advised the king to conclude the marriage; the two houses presented to him addresses of approbation; the treaty was signed; and Montague, now earl

[1] Clarendon, 86—89. Clarendon Pap. Supplem. ii. viii.

[2] Clarendon, 90. Œuvres de Louis XIV. i. 67, and the correspondence itself in the supplement to the third volume of the Clarendon Papers, i.—xv. Charles acquainted no one but his brother James with the secret. Two others were employed in it; Bastide, as secretary to Fouquet, and Lord Cornbury, Clarendon's eldest son, as secretary to his father. Hyde had the prudence or the honesty to refuse an offer of ten thousand pounds from Louis, though both Charles and James laughed at his simplicity; but he afterwards accepted a present of all the books which had been printed at the royal press in the Louvre.—Clar. 92; Pap. iii. Supplem. i. xi. xiv.

of Sandwich, received the command of a fleet with instructions to cruise in the Mediterranean, and, at the appointed time, to bring the Portuguese princess to England.[1]

Vatteville bore the disappointment with impatience, and whether he thought to mortify the French court for its interference, or only to gratify the pride of his countrymen, he announced his intention of reviving the ancient quarrel for precedency between the crowns of France and Spain. On the first occasion, the entry of Carara, the Venetian ambassador, Charles prevailed both on Vatteville, and on d'Estrades, the representative of Louis, to take no part in the ceremony; but the latter was reproved for his condescension by his court; each prepared to assert his claim on the next opportunity, the expected entry of Brahé, the Swedish ambassador; and the king, unable to restrain these champions of vanity, forbade his subjects by proclamation to interfere in the contest. D'Estrades summoned every Frenchman in London, on his allegiance, to support the honour of his sovereign; he sent for reinforcements to Boulogne, of which he was governor, and introduced into his house in disguise several of the officers and troopers belonging to that garrison. Vatteville, who could not muster so formidable a force,[2] sought to compensate by art for inferiority of number, ordering the traces of his carriage to be made of chains of iron covered with leather, and allotting to each of his followers his particular station and employment. The Tower wharf was selected for the field of battle: at noon arrived the carriage of the Spanish ambassador with about forty servants in liveries; and about two, that of the French ambassador, attended by one hundred persons on foot, and about forty on horseback, armed with pistols, or musquetoons and carbines. At three Brahé landed at the stairs; and the moment he departed in one of the royal carriages, those of the two ambassadors started for the place of honour. The opposite parties charged each other; the shouts of the crowd animated the combatants; blood began to flow, and more than fifty persons were killed or wounded in this extraordinary fray. The victory remained with the Spaniards. The French coachman fell from his seat; the horses were disabled, and the traces cut. Vatteville's carriage instantly took the place of honour; its attendants, though repeatedly charged, gallantly repulsed the assailants; and the conquerors, as they passed through the streets, were loudly cheered by the populace and the soldiery.[3] Louis received the news with feelings of grief and indignation; not that he lamented the fate of those whose lives had been so wantonly sacrificed, but that he deemed his reputation lowered in the opinion of other powers, because the representative of a rival crown had gained the superiority in a senseless and disgraceful quarrel. Without a moment's hesitation he sent Fuensaldagna, the Spanish minister, out of his dominions, demanded ample reparation from the court of Madrid, and refused to listen to any accommodation, till Philip had expressed his sorrow at so untoward an oc-

[1] Clarendon, 89; Papers, iii. Sup. ii. v. vi. vii. L. Journ. xi. 241, 244, 252. Kennet, Reg. 431.

[2] D'Estrades assured his master that the Spaniards were aided by several thousand Englishmen. He can only mean that they encouraged the Spaniards by their shouts.

[3] "It is strange to see how all the city did rejoice. And, indeed, we do all naturally love the Spanish, and hate the French."—Pepys, i. 223. I have taken the particulars of this fray from Evelyn's official account, ii. 458; Pepys, i. 2—214; Clarendon Papers, iii. Suppl. xvii.; Rugge's MS. 297; and Louis XIV. i. 118.

currence, recalled his pugnacious representative from London, and promised that his ambassadors should always absent themselves from ceremonies, in which there might be danger of their coming into competition with those of the French crown.[1]

In the mean while, the earl of Sandwich with the English fleet, having swept the Mediterranean of the Turkish corsairs, and made a bold but fruitless attempt on the shipping behind the mole at Algiers, received from the Portuguese possession of Tangier, part of the marriage portion of the infanta. The return of spring summoned him to Lisbon, and Donna Catarina, bidding adieu to her relatives and native land, embarked on board his ship, the destined bride of the English monarch.[2]

To Mrs. Palmer the approaching marriage was a subject of anxiety and distrust. Charles, that he might pacify the temper of his imperious mistress, redoubled his attentions. He generally dined and supped at her house; he made to her the most costly presents: he created her husband, against his will, earl of Castlemaine in Ireland, with remainder to the issue male of the body of his wife, the Lady Barbara; and solemnly promised, that, instead of banishing her from court, he would appoint her lady of the bedchamber to the new queen.[3]

At length, after a long and stormy voyage, the fleet with the Portuguese princess reached Spithead; but Charles was detained in London at the time by the real or pretended necessity of bringing the business of the session to a close. In the interval Catherine was solicited to waive her claim of having the marriage celebrated after the Catholic rite; but she held the king to his engagement; and on his arrival at Portsmouth they were married in a private room by her almoner, Stuart d'Aubigny, in the presence of Philip, afterwards Cardinal, Howard, and of five other witnesses pledged to profound secrecy.[4] Thence the king led her to the hall, across which a rail had been erected to divide the royal party from the company; and, the bishop of London having pronounced them married in the name of the Father, the Son, and the Holy Ghost, the ribbons, which the bride wore in profusion, were cut from her dress, and distributed in small portions among the spectators.[5] In point of personal charms and fashionable acquirements the new queen could not enter into competition with her dazzling and formidable rival; yet she was not without claims to beauty; her good nature and good sense gave a charm to her conversation, and the more she was known, the more she displayed the amiable qualities of her heart. The king was gratified beyond his expectations: he thought himself fortunate in the acquisition of such a wife; and so little did he know of his own heart, that he boasted to his friends of the pattern of conjugal

[1] Œuvres de Louis, i. 125, 131. Dumont, vi. part ii. p. 403, 404. Para se abstengan y no concurran con los embaxadores y ministros de V. Majestad en todas las funciones y ceremonias publicas.—Dumont, ibid. This voluntary absence was explained by Louis to be an acknowledgment of his superior rank; and it is amusing to observe how vain he was of it. Je ne scais, si depuis le commencement de la monarchie, il s'est rien passé de plus glorieux pour elle .....c'est une espèce d'hommage, qui ne laisse plus doubter à nos ennemis même, que notre couronne ne soit la premiere de toute la chretienté.....C'étoit un malheur que ce tumulte de Londres; ce seroit maintenant un malheur qu'il ne fut pas arrivé (i. 132, 136).

[2] Kennet's Register, 512—617, 652. Clarendon, 165.

[3] Pepys, i. 235, 245, 264, 647.

[4] From the MS. Relazione del Abbate Agretti, and the faculty for the performance of the marriage granted to Aubigny by Ellice, dean of the Catholic clergy, dated April 23.

[5] Lady Fanshawe's Memoirs, 144.

fidelity which he should thenceforth set to his court.[1] The royal pair came by easy journeys to Hampton Court, and lived for a few days in the most edifying harmony. But it was not the intention of Charles to estrange himself from the company of Castlemaine, nor did she allow him to forget the imprudent promise which had been wrung from him by her tears. In fact, he began to look upon her as having now additional claims on him for protection; for since the queen's arrival she had borne him a son, and her husband had withdrawn to the continent, with the view of separating himself from her for ever. One day, therefore, taking "the lady" (such was her usual designation) by the hand, he presented her to the queen in the midst of a brilliant court. Catherine was able to subdue her feelings for the moment. She gave to her rival a most gracious reception; but in a few minutes her eyes were suffused with tears; the blood gushed from her nostrils, and she was conveyed in a fit to her apartment.[2] By the king, this incident was considered a most heinous offence. He declared that he would never submit to the whims of his wife: he had been the cause of Castlemaine's disgrace; he was bound in honour to make her reparation. His dissolute companions applauded his firmness; while Ormond and Clarendon ventured to remonstrate against the indecency and cruelty of the appointment. To their surprise, he replied, that whosoever should oppose his design would become the object of his everlasting displeasure, and that they, if they wished to please him, should employ their influence to overcome the obstinacy of the queen.[3] Clarendon had the meanness to undertake an office which he abhorred; but Catherine refused to listen to his advice; and Charles in revenge subjected her to the most painful mortifications. The Portuguese ambassador was insulted on her account; her countrywomen were sent back to Portugal; Castlemaine was daily introduced into her apartment; where the mistress received the attentions of the king and the courtiers, while the queen sat alone, silent and unnoticed. For several weeks she maintained the unequal contest: at last her resolution failed; she consented to accept the services of her rival, and even treated her with kindness in private as well as public. But it was now too late: Charles applauded himself for his victory over what he called her wayward and wilful temper; and those who had before admired her constancy, pronounced her a weak and mutable woman.[4] The empire of Castlemaine was established. She waited, indeed (for such was the will of the king), on Catherine: to the scandal of all good Protestants; she even attended her to mass; but, on other occasions, the mistress proved the centre of attraction: the king was always to be found at her suppers and entertainments; officers were placed and displaced at her suggestion; and she at last obtained the

[1] If Hume talk of "the homely person" of Catherine, others, who knew her better, describe her differently.—Clarendon, Cont. 167. Clar. Pap. iii. Supplem. xx. Pepys, ii. 268, 271, 272. Charles himself, in a letter to the chancellor, speaks of her thus: "Her face is not so exact as to be called a beauty, though her eyes are excellent good, and not anything on her face that in the least degree can shoque one. On the contrary, she has as much agreeableness in her looks altogether as ever I saw; and, if I have any skill in physiognomy, which I think I have, she must be as good a woman as ever was born. Her conversation, as much as I can perceive, is very good; for she has wit enough, and a most agreeable voice. You would much wonder to see how well we are acquainted already. In a word, I think myself very happy."—Macpherson Papers, i. 22, note.

[2] Clarendon, 168.

[3] See the letter of Charles, Appendix, AAAA.

[4] Clar. 169—180.

higher rank of duchess of Cleveland for herself, with remainder to Charles and George Fitzroy, her children by the king. Catherine, on the contrary, abstained from all political intrigue; and, notwithstanding the prejudice against her religion, by her continual study to please her husband, the meekness with which she bore her wrongs, and the dignity and grace with which she performed the duties of her station, grew daily in the esteem of the public. Charles himself condemned, though he did not reform, his conduct; and subsequently, on occasion of her sickness, displayed all the anxiety and grief of the most affectionate husband. The physicians had despaired of her life; and when she prayed him to allow her body to be interred with the remains of her fathers, and to protect her native country from the tyranny of Spain, he fell on his knees, and bathed her hands with his tears. Yet from this affecting scene he repaired immediately to the house of Castlemaine, and sought amusement in the company of a new mistress, La Belle Stewart, the daughter of Walter, son of Lord Blantyre.[1] Catherine, however, recovered, and the king pursued his wonted course of dissipation and gallantry.

With the infanta, Charles had received in money and merchandise a portion of three hundred and fifty thousand pounds. This sum afforded a temporary relief to the needy monarch; but the expenses of the armament under Lord Inchiquin for the protection of Portugal, and of the expedition destined to take possession of Bombay, soon involved him in fresh pecuniary embarrassments. The chancellor, to whose negligence he imputed the insufficient provision made for him by the Convention parliament, saw that, to prop up his declining credit, it was necessary to discover some new resource; and he probably suggested, undoubtedly advised, the sale of Dunkirk to the French king. Though a few weeks only had elapsed since he had described in strong colours the advantages which the nation derived from the possession of that seaport, Charles assented to the proposal; Bellings was secretly despatched to Paris; and d'Estrades, who had been appointed ambassador to Holland, came to England, at the invitation of the king, but under pretence of private business, in his way to the Hague. Clarendon's first attempt was to shift the responsibility of the measure from himself to the council; and with that view Charles mentioned it at his house before the duke, the treasurer, the lord-general, and the earl of Sandwich, who, though they acknowledged that the charge of the place, amounting to the annual sum of one hundred and thirty thousand pounds, exceeded its real value, were still unwilling to part with it, unless at a price which might justify the sale in the eyes of the public. The negotiation now began. Clarendon asked twelve, d'Estrades offered two millions of livres; but the first descended by degrees to seven, the other rose to four, and the bargain was at last concluded for five millions. Here, however, a new difficulty arose. Charles required to be paid in ready money: Louis would only advance two millions at once, and pay the remaining three by instalment, in the course of two years. Both were inflexible; and d'Estrades had sent his servants on board a vessel preparatory to his departure, when an expedient was proposed and accepted, that Louis

[1] Lettres du Comte de Comminges. Pepys, v. App. 455, 456. He was sure to find Stewart at Castlemaine's, for "il menaça la dame, ou il soupe tous les soirs, de ne mettre jamais le pied chez elle, si la demoiselle n'y étoit" (455). See also the Diary of Pepys himself, ii. 41, 50, 61, 103, 105, 108, 116, 143, 355.

should give bills for the remainder, payable at different dates, which Charles might sell at the highest price that he could procure. The treaty was now signed; and the conditions on both sides were faithfully executed.[1] But the French king proved too adroit for his English brother. A banker from Paris arrived in London; and after a short negotiation, discounted the bills at something more than sixteen per cent. But the man was in reality a secret agent of the French cabinet; the money which he paid was supplied by the French treasury; and Louis, by this artifice, was enabled to buy up his own securities at a profit of five hundred thousand livres.[2]

Though Charles and his minister congratulated themselves on their success, they afterwards looked back on it with feelings of regret. The sale of Dunkirk had no small influence on the subsequent fortune of each. The possession of it had flattered the national pride; it was a compensation for the loss of Calais; it might equally open a way into the territory of England's most ancient and natural enemy. But Charles had sold it, not, it was said, to defray the expenses of the state, but to satisfy the rapacity of his mistresses, and to indulge in his wonted extravagance; and Clarendon had advised the sale, not through any wish to gratify his sovereign, but in consequence of an enormous bribe from the king of France. This charge was undoubtedly false; but the magnificent pile which he built for the residence of his family, was taken as a proof of his guilt, and the name of Dunkirk House, which it soon obtained, served to confirm and perpetuate the belief of the people.[3] The public discontent began to be openly expressed; Charles saw a formidable party growing up against him; and Clarendon, after a protracted struggle, submitted to his fate, and fled to the continent.[4]

We may now proceed to an important and perplexing question, on which it was impossible for the king to decide, without giving offence to a considerable portion of his subjects—the indulgence to tender consciences, which he had promised in the declaration from Breda. Two years had been suffered to elapse, and yet he had done nothing to fulfil, but much that seemed to violate, his word. The advocates of intolerance maintained that he was no longer bound by the declaration. To whom, they asked, had it been made? To the parliament then sitting? But that parliament had released him from all responsibility, by neglecting to remind him of the subject. To the people at large? But the people had transferred their rights to their representatives in the succeeding parliament, and those representatives had set the question at rest by enactments incom-

[1] Clarendon, in the Continuation of his own life, has given a detailed account of this transaction, written evidently for the purpose of exculpating himself; but his narrative is perpetually belied by the original documents in the Lettres d'Estrades, 279, 282, 283, 421, &c.; in the supplement to the third volume of the Clarendon Papers, xxi.—xxv.; in Combe's Sale of Dunkirk, London, 1728; and Pepys, ii. 369.

[2] Je gagnai sur ce marché cinq cent mille livres, sans que les Anglois s'en apperçussent .....le banquier étoit un homme interposé par moi, qui faisant le paiement de mes propres deniers, ne profitoit point de la remise.—Œuvres de Louis XIV. i. 176. Hackwell was sent to Paris to receive the sum of two million five hundred thousand livres, which leaves a profit to Louis of five hundred thousand livres, as he states himself. But, if we may believe the warrant to Backwell (Lister, iii. 511), besides that sum to be paid in Paris, by Hennin, the pretended banker, the sum of two hundred and fifty-four thousand livres had already been "secured" in England, which would reduce the discount to eight per cent.

[3] Pepys, ii. 250.

[4] Bellings, who, throughout the negotiation, was interpreter between Clarendon and d'Estrades, was, on its conclusion, sent to Rome to solicit the purple for Aubigny. —D'Estrades, 359.

patible with such indulgence.[1] This sophistry, however, did not satisfy the royal mind. Charles thought himself bound in honour to redeem his pledge; and, anxious as he was to replace the church on its former foundation, he still deprecated every measure which savoured of hardship or persecution against those who dissented from it. At the request of the Presbyterians, whose deputies were introduced to him by the lord-general, he promised to suspend the execution of the Act of Uniformity for three months, provided they would consent to read the Book of Common Prayer during that period. Clarendon, though he disapproved of the promise, thought that since it had been made, it ought also to be observed; but the bishops and their friends pronounced it dangerous, the judges illegal; and all agreed that, in defiance of the royal prohibition, the patrons of benefices held by nonconformists would present on the appointed day, and that their presentations would be allowed by the courts of law. With feelings of shame the king recalled his word; the act came into force on the 24th of August, and two thousand ministers (the number is perhaps exaggerated) resigned, or were deprived. The whole kingdom resounded with apologies on the one side, and complaints on the other. It was said that those who would not comply with the regulations, ought not to partake of the good things of the church; that the nonconformists were previously intruders; and that they suffered no more than they originally inflicted. It was replied, that the established clergy were ejected during the rage of civil war, the ministers in a season of domestic tranquillity; the former incumbents by their hostility, provoked the resentment of the ruling power; the present by their services in the restoration deserved its gratitude; the crime of the first was their political conduct; of the latter, adhesion to the dictates of conscience: then a pittance, at least one-fifth of the income, was reserved for the family of the sufferer; now he was turned adrift, with no other resource but the casual benevolence of the pious and the humane.[2]

The king, though he had been compelled to yield, yet held himself bound by his promise; and this feeling was kept alive by repeated petitions from the Presbyterians, the Independents, and the Roman Catholics, who all claimed the benefit of the declaration from Breda.[3] The question was again referred to the council; the leading members argued against indulgence; Robartes, lord privy seal, and Bennet, the new secretary of state, in its favour. The sovereign, they contended, possessed, in virtue of his supremacy, the right of suspending penal laws in matters of religion; James and Charles had raised a yearly revenue by the sale of protections; and the king might lawfully exercise a power which had never been disputed in his father or grandfather. The suggestion was approved; and notice of the royal intention was given in the declaration which he published for the purpose of refuting "the four scandals cast on the government." 1. The republicans feared, and the discontented maintained, that the Act of Indemnity had been passed merely as a temporary measure, and that it was still intended to sacrifice to the revenge and rapacity of the

[1] Kennet's Reg. 650. Address of Commons, Journals, Feb. 27, 1663.

[2] Clarendon, 156—160. Kennet, 747.

[3] Both Independents and Presbyterians were true to their principles. The Independents sought to obtain indulgence for all, Catholics as well as others; the Presbyterians could not in conscience concur in favour of the Catholics, though they would not oppose them. The king might do as he pleased, but they would not advise him or encourage him to do it.—Baxter's Life, part ii. p. 429.

royalists, the lives and fortunes of those who had served the protector or the commonwealth. To this "scandal" the king replied by promising that, as he had freely confirmed, so he would most religiously observe, every provision in the act. 2. The successive revolutions of the last twenty years had taught men to doubt the stability even of the present government. It was the conviction of the royal brothers that if, at the commencement of the civil war, their father had possessed a small regular force, he might at once have put down his opponents; and under this notion, when the army was disbanded, they retained in pay two or three regiments, with three troops of horse-guards. The whole establishment did not amount to five thousand men.[1] Yet this force, small as it was, excited alarm. It might be augmented, and employed not to suppress insurrection, but to subvert the national liberties. Most of the nations on the continent had been originally free: it was by the institution of standing armies that they had been enslaved by despotic monarchs. Here Charles defended his conduct on the ground of necessity. While so many factious spirits were employed in agitating the public mind, neither the person of the sovereign nor the freedom of the parliament could be secure without an armed force. Of this proof had been furnished by the insurrection under Venner. But let the laws resume their former empire, let the discontented abandon their rebellious designs, and he would reduce that force to the smallest number consistent with the dignity of the crown; for he would not yield to the most liberal among his subjects in his detestation of military and arbitrary rule. 3. By many it was said that the Act of Uniformity proved him to be a faithless unprincipled persecutor. He denied the charge. He had, in the first place, as in duty bound, provided by the Act of Uniformity for the settlement of the church; it was his intention, in the next place, to fulfil his promise of securing ease to those who, through the scruples of a misguided conscience, refused to conform. For this purpose, he would make it his special care to solicit from parliament an act enabling him to "exercise with more universal satisfaction that power of dispensing, which he conceived to be inherent in the crown." Nor did he doubt of the concurrence of the two houses. It was a measure to which he was pledged by his declaration from Breda, and without which it was unreasonable to expect the restoration of public tranquillity. 4. But the most pernicious scandal remained, that the king was a favourer of popery. This was the artifice by which so many well-meaning Protestants had been seduced to bear arms against his father, and his enemies had recourse to it at the present time with intentions equally disloyal. Of his firm adhesion to the true Protestant religion he had given convincing proofs under the most trying circumstances. Yet he could not but know that the greater part of the English Catholics had adhered, at the risk of their lives and fortunes, to the cause of the crown, and consequently of the church, against those who, under the name of Protestants,

[1] July 4, 1663. "I saw his majesty's guards, being of horse and foot four thousand, led by the general the duke of Albemarle, in extraordinary equipage and gallantry, consisting of gentlemen of quality and veteran soldiers, excellently clad, mounted, and ordered, drawn up in battalia before their majesties in Hide Park, where the old earle of Cleveland trail'd a pike, and led the righthand file in a foote company commanded by the Lord Wentworth his son, a worthy spectacle and example, being both of them old and valiant soldiers." —Evelyn, ii. 202. See also the Travels of Cosmo, iii. 306.

employed fire and sword for the subversion of both; and therefore he openly avowed that he did not mean to exclude Catholics from some share of that indulgence which he had promised to tender consciences. It would be unjust to refuse to those who had deserved well, the boon which was granted to those who had not; and the laws against Catholics were so rigorous, so sanguinary, that to execute them would be to do violence to his nature. Let them not, however, presume so much on his goodness as to look for toleration, or to scandalize Protestants by the open practice of their worship; otherwise they would find that he knew as well how to be severe when wisdom required it, as indulgent when charity and a sense of merit claimed indulgence from him.[1]

But these were doctrines ill adapted to the intolerant notions of that age. The declaration, instead of making proselytes, was received by the majority of the people with distrust of the motives, and a resolution of withstanding the wishes, of the king. They could not comprehend how an attachment to the interests of Protestantism could exist with a willingness to grant any portion of indulgence to Catholics; they recalled to mind the former reports of the king's apostasy, which had been circulated by the policy of his enemies during the commonwealth; and they openly asserted that he cared little for the sufferings of the dissenters, but merely sought, under the pretence of relieving them, to extend the same benefit to the papists. Charles, at the opening of the next session, condescended to vindicate himself from these aspersions, and, in proof of his own orthodoxy, demanded the enactment of new laws to check the progress of popery. But, with respect to the dissenters, he represented it desirable that the crown were vested with the power of extending indulgence to the peaceable among them, in circumstances when they might otherwise be tempted to expatriate themselves, or to conspire against the state. In accordance with the sentiments of the sovereign, the lord privy seal, aided by Lord Ashley, brought into the upper house a bill enabling the king to dispense at his discretion with the laws and statutes requiring oaths, or subscriptions, or obedience to the doctrine and discipline of the established church.[2] Both houses were immediately in a flame. The lower, though the bill was not before it, presented to the king an address, in which, having thanked him for the other parts of the declaration, they contended that the indulgence which was sought would amount to the legal establishment of schism, would expose his majesty to the ceaseless importunities of the dissenters, would lead to the multiplication of sects and sectaries; and, ending in universal toleration, would produce disturbance instead of tranquillity, because men of every religious persuasion form a distinct party, pursuing their peculiar interests, and acting in accordance with their peculiar prepossessions. In the higher house, the lord-treasurer placed himself at the head of the opposition: during the first day's debate, he was zealously supported by the bishops; on the second day the chancellor, though confined by a severe fit of the gout, left his room to lend his

[1] See the declaration in Kennet, Register, 848—891. It has been said that the real object of the declaration was the introduction of popery; but I am both ignorant why any such intention should be attributed to the king, and unable to discover how the declaration could have produced such effect.

[2] Provided always, that no such indulgence shall be construed to extend to tolerating the use and exercise of the popish religion in this kingdom. See copy of act in State Trials, xii. 379.

powerful aid to the cause of the church, and, in the vehemence of his zeal, indulged in a severity of language highly offensive to the sovereign. Their efforts succeeded; the house passed to a different subject; and the bill was suffered to remain unnoticed on the table.[1] Though Charles appeared to bear with composure the loss of this his favourite measure, he felt the disappointment keenly, and expressed his opinion to Clarendon with a warmth which surprised and terrified the minister. From that day it became manifest that neither Clarendon nor Southampton possessed his former credit with the sovereign. As to the bishops, Charles hesitated not to charge them with ingratitude and bigotry. It was, he said, to his promise from Breda that they owed their restoration to power, and now they employed that power to prevent him from fulfilling his promise. It was the intolerance of the prelates under his father which led to the destruction of prelacy, and now, as soon as they were replaced in their former situation, they reverted to the practice of intolerance. His carriage altered with his sentiments. Hitherto he had been accustomed to receive and treat them with the most marked respect. Henceforth he was careful to show by his manner that he held them in no esteem; and the courtiers, aware of the change in the royal mind, turned their persons and their sermons into subjects of sarcasm and ridicule.[2]

The king was, however, doomed to drink more deeply of the cup of mortification. He had asked permission to shelter the Catholics, who had served the royal cause, from the extreme severity of the penal statutes, and in return both houses presented to him an address for a proclamation ordering all Catholic priests to quit the kingdom, under the penalty of death. After a faint struggle he acquiesced. The champions of orthodoxy followed up their success; and, affecting to comply with the royal recommendation, introduced a bill to check the growth of popery, but coupled with it another to arrest the diffusion of non-conformity. Both passed with rapidity through the house of Commons; but in the house of Lords their progress was continually impeded by the objections of the Presbyterian and Catholic peers; and their patrons, before the prorogation, substituted in their place an address to the king, to put in execution all the penal laws against Catholics, dissenters, and sectaries of every description.[3]

During this session, whilst the Commons were engaged with the consideration of the revenue, Charles, through secretary Coventry, informed them that one of the members, Sir Richard Temple, had offered, in his own name and the name of his friends "to undertake his majesty's business" in that house, and to procure for him a settlement of his revenue to his liking, if the king would honour them

[1] C. Journals, Feb. 27, 28. L. Journals, xi. 475, 482, 486, 491. Bennet had read the declaration to Clarendon, who was confined to his chamber with the gout. He objected to some passages. Corrections were therefore made, and the declaration was read to him a second time. Did he then approve? According to Bennet, in a letter to Ormond, Jan. 13, "He had it distinctly read twice to him, periode by periode, and not only approved it, but applauded the contents of it, and assured mee it was entirely according to his minde."—Lister's Clarend. iii. 232. Clarendon himself writes to Ormond (Jan. 31), that he made many objections. At the second reading, "I told him, by the time he had writ as many declarations as I had done, hee would find they are a very ticklish commodity, and that the first care is to bee that they do no hurt."—Ibid. 233. This remark does not show that he disapproved of the alterations.

[2] Clarendon, 245—249. Life of James, i. 428. Pepys, ii. 27, 38, 57.

[3] L. Journ. xi. 558, 578. C. Journ. April 27, May 30.

with his confidence; and afterwards, in answer to an address from the house, he signified that the message to him from Temple had been delivered by the earl of Bristol. That nobleman immediately requested to be heard in his own justification; and, being admitted within the bar, said, that it was neither his intention to accuse Sir Richard Temple, for he was certainly innocent; nor to contradict his sovereign, for his majesty's testimony was beyond exception; but he might be allowed to say that his language to the king must have been very different from his meaning. What he had meant to suggest was, that the concession of benefits to the people should precede the demand of money by the sovereign; and that, if this had been done, there was not a member in so loyal a house of Commons, not even Sir Richard Temple, who would not cheerfully have come forward to relieve the pecuniary wants of the sovereign. This ingenious explanation was favourably received, and a resolution voted, that the earl had not failed in his duty to the king, nor in respect to that house, nor in justice to Sir Richard Temple.

Thus far Bristol had triumphed; and Charles felt his defeat most poignantly. In the interview between them, in the presence of Lord Arlington, the king expressed his resentment in terms of vituperation, and the earl, forgetting the respect due to the monarch, openly reproached him with his amours, his indolence, and his extravagance; charged him with sacrificing his best friends to the malice of the chancellor; and declared that unless justice were done to him within twenty-four hours, he would do that which should astonish both the king and his minister. It was with difficulty that Bristol escaped from the personal resentment of Charles. The next day he proceeded to execute his threat; and rising in the house of Lords, impeached Clarendon of high treason, and of divers heinous misdemeanors. But this pompous denouncement, when he descended into particulars, dwindled into the ridiculous charge that the chancellor had laboured both by his public conduct and private discourse, to create a belief that the king was in heart a papist, and that on himself, his vigilance and authority, depended the preservation of the Protestant establishment. The judges being consulted, replied that none of the charges, if they could be proved, would amount to the guilt of high treason. The Lords adopted the opinion of the judges; and the king issuing a warrant for the apprehension of the accuser, put an end to the impeachment. Bristol absconded; and did not appear at court till the fall of his adversary.[1]

In the summer, the cause of intolerance acquired additional strength from a partial rising of enthusiasts in the northern counties. The government had been apprized of their intentions: the duke of Buckingham, in quality of the king's lieutenant, proceeded with a detachment of guards to York, and summoned the militia; and about fifty persons were arrested in Yorkshire and Westmoreland, of whom several paid the forfeit of their folly with their lives. From their situation in life it was plain that they acted under the secret guidance of others. Some professed the doctrines of the Fifth-monarchy Men; others justified themselves on the plea that the parliament had sat more than three years, and that by the Triennial Act, passed in the 16th of Charles I., in default of writs issued by the king,

[1] See Clarendon, 208; Pepys, ii. 70, 90, 95; Life of James, i. 427; Parl. Hist. iv. 280, 283; Lords' Journals, xi. 55, 59, 60; State Trials, 312, 319; C. Journals, 1663, June 13, 20, 26, July 2.

the freeholders were permitted to assemble of themselves for the choice of new members. When Charles opened the next session, he embraced the opportunity to suggest the repeal of an act which thus furnished a plea for seditious meetings, while the patrons of intolerance drew from the insurrection a new argument in favour of additional severities for the suppression of religious dissent. A compromise seems to have taken place. It was, indeed, enacted that parliament should never be discontinued for more than three years; but, to satisfy the king, all the compulsory clauses of the Triennial Act, which directed the keeper of the great seal to issue writs, and the sheriffs to hold elections, in defiance of the royal pleasure, were repealed; and, on the other hand, Charles reluctantly gave his consent to the Conventicle Act, which, it was hoped, would extinguish every form of heterodox worship. All meetings of more than five individuals, besides those of the family for any religious purpose not according to the Book of Common Prayer, were declared seditious and unlawful conventicles; and it was enacted that the punishment of attendance at such meeting by any person above sixteen years of age should be, for the first offence, a fine of five pounds, or imprisonment during three months; for the second, a fine of ten pounds, or imprisonment during six months; for the third, a fine of one hundred pounds, or transportation for seven years; and that if the conscience of the offender led him to transgress the law more than thrice, the fine at each repetition of the offence should be augmented by the additional sum of one hundred pounds.[1] This act, so intolerant in its principle, and so penal in its consequences, was immediately enforced: it equally affected Catholics and every denomination of dissenters; but it was felt the most severely by the Quakers, because, while others, when they met for the purpose of worship, sought to elude detection, these religionists, under the guidance, as they thought, of the Spirit of God, deemed it their duty to assemble openly, and to set at defiance the law of man. To describe the numerous and vexatious informations, prosecutions, fines and imprisonments which followed, would only fatigue the patience, and pain the feelings, of the reader. I may, however, observe that the world had seldom witnessed a more flagrant violation of a most solemn engagement. Toleration had been offered and was accepted; the king had been restored, and the church re-established; and now, that the price had been paid, the benefit was withheld; and, instead of the indulgence promised in the contract, was substituted a system of penalties and persecution. The blame, however, ought not to rest with the king. He did, as far as we can judge from outward appearances, his best to fulfil his word. But the benevolent intentions of the monarch were opposed by the most powerful of his ministers; and the bigotry of these ministers was sanctioned by the

[1] Miscel. Aul. 316, 319, 330. L. Journ. 620. C. Journ. April 28, May 12, 14, 16. St. 16 Car. II. c. i. 4. Pepys, ii. 172. The Conventicle Act was limited, as an experiment, to the duration of three years. Of the tricks sometimes employed in parliament at these periods the reader may form some notion from the following instances: on the last day of the preceding session a bill for the better observance of the Sabbath was stolen off the table; and when the king came to give the royal assent, was not to be found. Of course it did not pass into an act. In like manner, on the last day of the present session, a proviso to the Conventicle Act respecting the Quakers was also stolen; but the former accident had awakened the vigilance of the clerk, and he discovered the theft in time to provide another copy of the proviso, and to have it passed through both houses before the king's arrival.—L. Journ. xi. 577, 619, 620.

prejudices and resentments of the parliament.

Charles had now reigned four years, respected and courted by his neighbours; in an evil hour he was persuaded, against his better judgment, to unsheathe the sword, and to encounter the uncertain chances of war. He had formed a correct notion of the importance of commerce to the interests of his kingdom, and was encouraged and seconded by his brother James in his attempts to improve and extend the foreign trade of the English merchants. With this view, the African Company had been established by charter; the duke accepted the office of governor; and the committee of management, of which he was chairman, constantly met in his apartments at Whitehall. The company flourished; they imported gold dust from the coast of Guinea, and supplied, at a great profit, the West India planters with slaves: but they met with formidable rivals in the Dutch traders, who, during the civil war, had erected several forts along the coast of Africa, and now employed their superior power and influence to thwart the efforts, and arrest the progress, of the English intruders. The African Company complained; their complaints were echoed by the East-India Company, whose commerce was exposed to similar impediments and injuries; and the merchants in the city called aloud for war, to protect their interests, and curb the insolence of the Hollanders. James advocated their cause with his brother. Such, he maintained, was the commercial rivalry between the two nations, that, in the course of a few years, war would inevitably ensue. But then it would be too late. Now was the proper time, before the race of naval commanders, formed under the commonwealth, should become extinct. But Charles (and he was supported by Clarendon) rejected the advice. He had learned wisdom from the history of his father and his grandfather. They had been driven into war by the clamour of the nation; and the charges of war, in a short time, rendered them dependent on the will of the popular leaders in parliament.[1]

There was at this time a marked contrast between the characters of the royal brothers. Charles, though oppressed with debt, scattered his money heedlessly and profusely; James was careful to measure his expenses by the amount of his income. The king seemed to make gallantry the chief occupation of life; the duke to look upon it as an amusement; and, while the one daily spent his time "sauntering" in the company of his mistresses, the other attended to his duties in the Admiralty with the exactitude of the meanest clerk on the establishment. In point of abilities, Charles was considered superior; but he wanted strength of mind to refuse an importunate suitor, or to resist the raillery and sarcasm of those whom he made his companions. James, with a judgment less correct, and with knowledge less extensive, formed his resolutions with slowness, but adhered to them with obstinacy. His word was esteemed sacred: his friends relied with confidence on his support, whatever sacrifice it might cost him; and his enemies knew, that, till he had brought them on their knees, he would never forgive their offences. Yet no diversity of temper or opinion could diminish the affection of the two brothers. James was the most dutiful of subjects; and, however he might disapprove the judgment, he always concurred in seconding the will of the sovereign. He was easy of access, and affable in discourse; but his constant attention to preserve the dignity of his rank

[1] Clarendon, 196—201. Pepys, ii. 173.

gave to his manner a stateliness and distance repulsive of that freedom and familiarity which the laughter-loving king indulged in the associates of his pleasures. In private life the duke was loved by few, but feared or respected by all; in public, his industry was the theme of commendation; and the fame which he had acquired in the French army was taken as an earnest of his future military prowess.[1]

On the last meeting of parliament, the complaints of the merchants were heard before a committee of the lower house. They contended that the treaty concluded by the Dutch with Cromwell, and since renewed by them with the king, was not yet executed; that the injuries sustained by the English traders had not been redressed, nor the island of Pulerone restored; that English ships were still seized and condemned under frivolous pretences; that the natives of Africa and the Indies were frequently induced by promises and bribes to demolish the English factories; that the Dutch, by proclaiming fictitious wars, and establishing pretended blockades, assumed the right of excluding their rivals from the most frequented ports, and the most valuable sources of profit; and that the losses of the English merchants amounted, on a moderate calculation, to seven hundred thousand pounds from these injuries, and to the enormous sum of four millions from the retention of Pulerone.[2] The committee decided in favour of the complainants; Clifford, the chairman, supported their cause with considerable warmth; and Downing added the weight of his authority, derived from the office which he held as English resident at the Hague, both for the protector and the king.[3] He was a bold, rapacious, and unprincipled man, who under Cromwell had extorted by menaces considerable sums, in the form of presents, from the Dutch merchants, and who now, by the violence of his speeches in parliament, and afterwards by the haughtiness of his carriage to the States, provoked a suspicion that he looked forward to a similar termination of the existing quarrel. The Commons voted an address, in which they petitioned the king to take an effectual course for the speedy redress of these injuries, with a promise to stand by him, with their lives and fortunes, against all opposition; the Lords concurred; and Charles replied, that he would demand justice by his ambassador, and, in case of denial, would rely on the offer which they had made to him. Still, to dispassionate observers it appeared that, with a little conciliation on either part, the quarrel might be amicably adjusted. But Charles no longer listened to the suggestions of prudence, when he found that by acceding to the popular wish, he might gratify his personal resentments against the Louvestein faction, which had long ruled the destinies of the republic. That faction had heaped indignities on him during his exile, had stripped the house of Orange, of which his nephew was the head, of its ancient dignities, and, what was perhaps a more unpardonable offence, had suffered caricatures to be published in ridicule of his apathy, his amours, and his indigence.[4] On the other hand, De Witt, who was acknowledged as the Louvestein leader, felt no disposition to make any concession to the menaces of a rival nation. He was resolved to maintain the commercial superiority

[1] Sheffield, duke of Buckingham, ii. 78. Mem. de Grammont, i. 141. Burnet, i. 287. Pepys, ii. 143, 188.

[2] Lords' Journ. xi. 599, 620, 626.

[3] He was accustomed to leave the Hague occasionally to attend his duty in parliament.—Clarendon, 224.

[4] Pepys, ii. 125.

of his countrymen; he considered the Dutch navy as a match for that of England, and, by a defensive alliance, he had already secured the assistance of France. By some it was thought that the obstinacy of the States had been supported by the intrigues of Louis. But the contrary was the fact; for it suited not the interests of that prince to provoke or foment a quarrel, which must involve him in a war with England, at a time when he meditated hostilities against Spain.[1]

In the mean while the African Company had despatched Sir Robert Holmes, with a few small ships of war, to recover the castle of Cape Corse, of which they had been dispossessed by their rivals. In searching a Dutch vessel, he discovered certain documents respecting Valkenberg, the Dutch governor, and the hostile tenor of these papers induced him to exceed his own commission, and to assume offensive operations.[2] He compelled the forts on Goree to surrender, reduced the castle of Cape Corse, destroyed several factories on the coast, and then stretched across the Atlantic to the settlement of New Amsterdam, originally an English colony, and lately recovered by Sir Richard Nicholas, who in honour of the duke, his patron, had given to it the name of New York.[3] On the first intelligence of these proceedings, the Dutch ambassador presented an energetic remonstrance to the king, who replied, that the expedition had been sent out by the private authority of the company, that Holmes should be put on his trial at his return, and that strict justice should be measured out to all the parties concerned.[4] With this assurance the States-general were satisfied; but De Witt refused to sit down tamely under the affront. By his intrigues with the states of Holland, he procured an order, loosely and ambiguously worded, to pass through the States-general, and this, with a secret explanation, was forwarded to De Ruyter, the commander of the Dutch squadron in the Mediterranean. He had been sent there to cruise against the Turkish corsairs, in company with Lawson, the English admiral; but now, pretending that he had orders to destroy a squadron of pirates at the Canaries, he separated from his allies, retaliated on the English, along the coast of Guinea, the injuries which they had inflicted on his countrymen, and, crossing to the West India islands, captured above twenty sail of English merchantmen. Lawson, through want of instructions, did not follow De Ruyter, but he was careful to inform the duke of York of the Dutchman's probable destination; and, by order of that prince, two English fleets swept the narrow seas of the Dutch traders, which, to the number of one hundred and thirty sail, were carefully guarded in the English ports, as a fund of indemnification to the sufferers from the expedition under De Ruyter.[5]

Charles, however, before he would

[1] L. Journ. 600, 603. Com. Journ. App. 21, 29. Temple, i. 305, 307. Louis, ii. 5. Le Clerc, ii. 62. Basnage, 711.

[2] The king of Fantine had been supplied with money and ammunition to induce him to attack the English fort at Cormantine. The Dutch denied the charge, but Charles replied, "that he has as full evidence of it, as he can have that there is such a fort."—Lords' Journ. xi. 627.

[3] Charles granted this tract of land to his brother, 12th March, 1664. Sir Richard Nicholas was groom of the bedchamber to the duke of York.—Life of James, i. 400. Dalrymple, ii. App. 27; a letter to which the editor has given by mistake the date of 1669.

[4] Holmes, on his return, was committed to the Tower, but cleared himself to the satisfaction of the king.—Heath, Contin. 532. Pepys, ii. 238.

[5] Life of James, i. 403. Clarendon, 225, 227. Le Clerc, ii. 65, 67. Basnage, 714. His majesty's Narrative in Lords' Journ. xi. 625. The complaint of Charles in this narrative is confirmed by d'Estrades, who

rush blindly into the contest, determined to secure a provision of money adequate to the undertaking. The charge of the war was calculated at two millions and a half, a sum unprecedented in the annals of English finance; but the passions of the people were roused, and the council had the art to remove from themselves the odium of the demand. By their secret persuasion, Sir Richard Paston, a country gentleman of independent fortune, brought forward the proposition in the house of Commons; and when, to carry on the deception, a known dependant of the ministers rose to suggest a smaller sum, he was eagerly interrupted by two members, supposed to have no connexion with the court. The artifice escaped notice, and the original motion was carried, after an animated debate, by a majority of seventy voices. The Lords assented, and the king issued a declaration of war.[1]

The provisions of this money-bill deserve the reader's attention, because they put an end to the ancient system of taxation, and effected a considerable change in the acknowledged immunities of the clergy. 1. He is aware, that, from the commencement of the contest between Charles I. and his parliament, down to the restoration of his son, the manner of raising supplies by grants of subsidies, tenths, and fifteenths, had been abandoned, for the more certain and less cumbrous expedient of levying monthly assessments on the several counties. The ministers of Charles were not ignorant of the superior merit of the new plan; but, as it was originally a revolutionary measure, and had excited the complaints of the people, they had deemed it prudent, in a former session, to revert to the old monarchical model. The experiment, however, failed; the four last subsidies had not raised more than one-half the sum at which they had been calculated; the house consented that the new grant should be levied by monthly assessments, as moneys had been levied under the commonwealth;[2] and from that period the ancient subsidies fell into desuetude. 2. Hitherto the clergy had preserved the honourable privilege of taxing themselves, and had usually granted in convocation the same number of clerical subsidies as was voted of lay subsidies by the two houses of parliament. But this distinction could not conveniently be maintained, when money was to be raised by county rates: and it was therefore agreed that the right of the clergy should be waived in the present instance, but, at the same time, be preserved for them by a proviso in the act. The proviso, however, was illusory, and the right has never since been exercised. In return, the clergy claimed, what could not in justice be denied, the privilege of voting as freeholders at elections; a privilege which, though never expressly granted, has since been recognised by different statutes.[3] But a consequence followed from this arrangement, which probably was not foreseen. From the moment that the convocation ceased to vote money, it became of little service to the crown. It was no longer suffered to deliberate, to frame ecclesiastical canons, or

attributes the war to the expedition of Ruyter, in obedience to the order of De Witt, "sans attendre selon la disposition du 14 article de 1662, que le terme d'un (an) fut passé, pendant lequel le Roi de la Grande Bretegne devoit faire reparer l'entreprise du chevalier Holmes."—D'Estrades, iv. 315. "Intra anni spatium."—Dumont, vi. part ii. p. 424.

[1] Com. Journ. Nov. 25—Feb. 3. Lords' Journ. xi. 654. Clarendon's statement cannot be reconciled with the journals.—See Clar. 228—231. Pepys tells us that, in framing the estimates, the Admiralty studied to make the charges of the last year as high as possible (ii. 228).

[2] 16 & 17 Car. 2, c. i.

[3] 10th Anne, c. 23. 18th George 2, c. 18.

to investigate the conduct, or regulate the concerns, of the church. It was, indeed, summoned, and the members met as usual, but merely as a matter of form; for a royal mandate immediately arrived, and an adjournment, prorogation, or dissolution followed. That, however, which seems the most extraordinary is, that this change in the constitution, by which one of the three estates ceased, in fact, to exist, and a new class of freeholders, unknown to the law, was created, owes its origin, not to any legislative enactment, but to a merely verbal agreement between the lord chancellor and Archbishop Sheldon.[1]

From parliament the lord high admiral hastened to the Gun-fleet to superintend the naval preparations: Charles, by his commands, and occasionally by his presence, seconded the industry of his brother;[2] and, before the end of April, the most formidable fleet that England had ever witnessed was ready to contend for the empire of the sea. The duke, despising the narrow prejudices of party, had called around him the seamen who fought and conquered in the last war; and when the duke of Buckingham and other noblemen, whose only recommendation was their birth and quality, solicited commissions, he laconically replied, that they might serve as volunteers; but experience alone could qualify them to command. The future operations were arranged with his council, and at his suggestion an improvement was adopted, that something of that order should be introduced into naval, which was observed in military engagements. It was agreed that the fleet should be divided into three squadrons; the red under the command of the duke, the white under that of Prince Rupert, and the blue under the earl of Sandwich; that it should be formed in line preparatory to battle; and that the several captains should be enjoined to keep the stations allotted to them by their respective commanders.[3] James unfurled his flag on board the Royal Charles; ninety-eight sail of the line and four fire-ships followed him to sea;[4] and for more than a month this formidable armament insulted the coast of Holland and rode triumphant in the German Ocean.

At length an easterly wind drove the English to their own shores, and the Dutch fleet immediately put to sea. It sailed in seven divisions, comprising one hundred and thirteen ships of war, under the command in chief of Opdam, an officer who, in the late war, had deserved the confidence of his countrymen. It exhibited a gallant and animating spectacle: the bravest and the noblest youths of Holland repaired on board to share the dangers of the expedition; and, as the admiral had received a positive order to fight, every heart beat high with the hope or assurance of victory. Opdam himself was an exception. His experienced eye discovered, in the insufficiency of many among his captains, and the constitution of their crews, reason to doubt the result of a

[1] See Echard, 818; Burnet, i. 340, note; iv. 508, note.

[2] Charles paid much attention to naval affairs. He studied the art of shipbuilding, and persuaded himself that he could make improvements in it. In a letter to Prince Rupert, he says, "I believe that if you trie the two sloopes that were builte at Woolidge, which have my invention in them, they will outsail any of the French sloopes."—Lansdowne MSS. MCCVI. p. 163.

[3] "This was the first war wherein fighting in a line, and a regular form of battle, was observed."—Life of James, i. 405. This system introduced by the duke was invariably followed till Clerk's "Essay on Naval Tactics" induced Lord Rodney to break through the enemy's line in his victory of the 12th of April, 1782.

[4] Three were first-rates, eleven second, fifteen third, thirty-two fourth, eleven fifth, and twenty-six merchant ships carrying from forty to fifty guns.—Life of James, 405. Macpherson's Papers, .. 31.

battle: and to his confidants he observed—"I know what prudence would suggest; but I must obey my orders, and by this time to-morrow you shall see me crowned with laurel or with cypress."[1]

Early in the morning of the third of June the hostile fleets descried each other near Lowestoffe. Seven hours were spent in attempts on each side to gain and keep the advantage of the wind; at length the English, by a skilful manœuvre, tacked in the same direction with the enemy, and accompanied them in a parallel line, till the signal was made for each ship to bear down and engage its opponent. The sea was calm: not a cloud could be seen in the sky; and a gentle breeze blew from the south-west. The two nations fought with their characteristic obstinacy; and, during four hours, the issue hung in suspense. On one occasion the duke was in the most imminent peril. All the ships of the red squadron, with the exception of two, had dropped out of the line to refit; and the weight of the enemy's fire was directed against his flag-ship, the Royal Charles. The earl of Falmouth, the Lord Muskerry, and Boyle, son to the earl of Burlington, who stood by his side, were slain by the same shot; and James himself was covered with the blood of his slaughtered friends. Gradually, however, the disabled ships resumed their stations; the English obtained the superiority; and the fire of the enemy was observed to slacken. A short pause allowed the smoke to clear away; and the confusion, which the duke observed on board his opponent, the Eendracht, bearing Opdam's flag, induced him to order all his guns to be discharged into her in succession, and with deliberate aim. At the third shot from the lower tier, she blew up, and the admiral, with five hundred men, perished in the explosion. Alarmed at the loss of their commander, the Dutch fled. James led the chase; the four sternmost sail of the enemy ran foul of each other, and were consumed by a fire-ship, and three others shortly afterwards experienced the same fate. But Van Tromp kept the fugitives together, whilst the darkness of the night retarded the pursuit of the conquerors; and in the morning the Dutch fleet was moored in safety within the shallows.[2] In this action, the most glorious hitherto fought by the navy of England, the enemy lost four admirals, seven thousand men slain or made prisoners, and eighteen sail either burnt or taken. The loss of the victors was small in proportion. One ship of fifty guns had been taken in the beginning of the action; and the killed and wounded amounted to six hundred men. But among the slain, besides the noblemen already mentioned, were the earls of Marlborough and Portland, and two distinguished naval commanders, the admirals Lawson and Sampson.[3]

At another time the report of such a victory would have been received

[1] Basnage, i. 741.

[2] The result of the victory would have been more complete, had not the Royal Charles, during the night slackened sail and brought to, which detained the rest of the fleet. For some time the fact was concealed from the duke, who had retired to rest; but it gradually became known, and, from an inquiry instituted by the house of Commons, it appeared that Brunkhard, one of the duke's servants, who had been greatly alarmed during the battle, endeavoured at night to persuade the master to shorten sail, lest he should lead the ship into the midst of the enemy; and, failing in this, after a pause, delivered to him an order, or something like an order, to the same effect. Burnet insinuates that the order came from the duke (i. 377); that it was forged by Brunkhard appears from the inquiry before the house (ibid. 378, note), from Clarendon, 269, and from the Life of James, i. 415.

[3] There are numerous accounts of this battle; I have preferred that given in the Life of James, i. 407—415.

with the most enthusiastic demonstrations of joy; but it came at a time when the spirits of men were depressed by one of the most calamitous visitations ever experienced by this or any other nation. In the depth of the last winter two or three isolated cases of plague had occurred in the outskirts of the metropolis. The fact excited alarm, and directed the attention of the public to the weekly variations in the bills of mortality. On the one hand, the cool temperature of the air, and the frequent changes in the weather, were hailed as favourable circumstances; on the other, it could not be concealed that the number of deaths, from whatever cause it arose, was progressively on the advance. In this state of suspense, alternately agitated by their hopes and fears, men looked to the result with the most intense anxiety; and at length, about the end of May, under the influence of a warmer sun, and with the aid of a close and stagnant atmosphere, the evil burst forth in all its terrors. From the centre of St. Giles's the infection spread with rapidity over the adjacent parishes, threatened the court at Whitehall, and, in defiance of every precaution, stole its way into the city. A general panic ensued. The nobility and gentry were the first to flee; the royal family followed; and then all who valued their personal safety more than the considerations of home and interest, prepared to imitate the example. For some weeks the tide of emigration flowed from every outlet towards the country; it was checked at last by the refusal of the lord mayor to grant certificates of health, and by the opposition of the neighbouring townships, which rose in their own defence, and formed a barrier round the devoted city.[1]

The absence of the fugitives, and the consequent cessation of trade and the breaking up of establishments, served to aggravate the calamity. It was calculated that forty thousand servants had been left without a home, and the number of artisans and labourers thrown out of employment was still more considerable. It is true that the charity of the opulent seemed to keep pace with the progress of distress. The king subscribed the weekly sum of one thousand pounds, the city six hundred pounds; the queen dowager, the archbishop of Canterbury, the earl of Craven, and the lord mayor, distinguished themselves by the amount of their benefactions; and the magistrates were careful to insure a constant supply of provisions in the markets; yet the families that depended on casual relief for the means of subsistence were necessarily subjected to privations, which rendered them more liable to receive, and less able to subdue, the contagion. The mortality was at first confined chiefly to the lower classes, carrying off in a larger proportion the children than the adult, the females than the males. But, by the end of June, so rapid was the diffusion, so destructive were the ravages of the disease, that the civil authorities deemed it time to exercise the powers with which they had been invested by an act of James I. "for the charitable relief and ordering of persons infected with the plague."[2] 1. They divided the parishes into districts, and allotted to each dis-

[1] Monk remained in town as the sole representative of government, and faithfully performed his duty during the pestilence, though he considered himself in greater danger than if he were in action with the Dutch fleet.—Clarend. Life, p. 272.

[2] Stat. of Realm, iv. 1660. In the next session of parliament a bill was introduced to extend these powers, but was lost through the refusal of the Lords to allow their houses to be shut up at the discretion of the constables.—L. Journ. xi. 698. Marvell, i. 52.

trict a competent number of officers, under the denomination of examiners, searchers, nurses, and watchmen. 2. They ordered that the existence of the disease, wherever it might penetrate, should be made known to the public by a red cross, one foot in length, painted on the door, with the words, "Lord have mercy upon us," placed above it. From that moment the house was closed; all egress for the space of one month was inexorably refused; and the wretched inmates were doomed to remain under the same roof, communicating death one to the other. Of these many sunk under the horrors of their situation; others, driven by despair, eluded the vigilance, or corrupted the fidelity of the watchmen, and by their escape, instead of avoiding, served to disseminate the infection.[1] 3. Provision was also made for the speedy interment of the dead. In the daytime officers were always on the watch to withdraw from public view the bodies of those who expired in the streets; during the night the tinkling of a bell, accompanied with the glare of links, announced the approach of the pest-cart, making its round to receive the victims of the last twenty-four hours. No coffins were prepared; no funeral service was read; no mourners were permitted to follow the remains of their relatives or friends. The cart proceeded to the nearest cemetery, and shot its burden into the common grave, a deep and spacious pit, capable of holding some scores of bodies, and dug in the churchyard, or, when the churchyard was full, in the outskirts of the parish. Of the hardened and brutal conduct of the men to whom this duty was committed, men taken from the refuse of society, and lost to all sense of morality or decency, instances were related, to which it would be difficult to find a parallel in the annals of human depravity.[2]

The disease generally manifested itself by the usual febrile symptoms of shivering, nausea, headache, and delirium. In some these affections were so mild as to be mistaken for a slight and transient indisposition. The victim saw not, or would not see, the insidious approach of his foe; he applied to his usual avocations, till a sudden faintness came on, the maculæ, the fatal "tokens," appeared on his breast, and within an hour life was extinct. But, in most cases, the pain and the delirium left no room for doubt. On the third or fourth day, buboes or carbuncles arose; if these could be made to suppurate, recovery might be anticipated; if they resisted the efforts of nature and the skill of the physician, death was inevitable. The sufferings of the patients often threw them into paroxysms of phrensy. They burst the bands by which they were confined to their beds; they precipitated themselves from the windows; they ran naked into the street, and plunged into the river.[3]

Men of the strongest minds were lost in amazement, when they contemplated this scene of woe and desolation; the weak and the credulous became the dupes of their own fears and imaginations. Tales the most improbable, and predictions the most terrific, were circulated; numbers

[1] Persons thus escaping, if taken in company with others, and found to have infectious sores upon them, were liable to suffer death as felons; if without sores, to be treated as rogues and vagabonds.—Stat. ibid.

[2] Rugge, MS. 573. Echard. 823. Hodges, Loimologia, 23. De Foe, History of the Plague in London. Though De Foe, for dramatic effect, wrote as an eye-witness, which he could not be, yet his narrative, as to the substance of the facts, is confirmed by all the other authorities. Hodges and De Foe attribute also the deaths of many to the avarice of their nurses, who destroyed the lives, that they might carry off the money and trinkets of the patients.

[3] Hodges, 57, 97—132.

assembled at different cemeteries to behold the ghosts of the dead walk round the pits in which their bodies had been deposited; and crowds believed that they saw in the heavens a sword of flame, stretching from Westminster to the Tower. To add to their terrors came the fanatics, who felt themselves inspired to act the part of prophets. One of these, in a state of nudity, walked through the city, bearing on his head a pan of burning coals, and denouncing the judgments of God on its sinful inhabitants; another, assuming the character of Jonah, proclaimed aloud as he passed, "Yet forty days, and London shall be destroyed;" and a third might be met, sometimes by day, sometimes by night, advancing with a hurried step, and exclaiming with a deep sepulchral voice, "Oh the great and dreadful God!"

During the months of July and August the weather was sultry, the heat more and more oppressive. The eastern parishes, which at first had been spared, became the chief seat of the pestilence; and the more substantial citizens, whom it had hitherto respected, suffered in common with their less opulent neighbours.[1] In many places the regulations of the magistrates could no longer be enforced. The nights did not suffice for the burial of the dead, who were now borne in coffins to their graves at all hours of the day; and it was inhuman to shut up the dwellings of the infected poor, whose families must have perished through want, had they not been permitted to go and seek relief. London presented a wide and heart-rending scene of misery and desolation. Rows of houses stood tenantless and open to the winds; others, in almost equal numbers, exhibited the red cross flaming on the doors. The chief thoroughfares, so lately trodden by the feet of thousands, were overgrown with grass. The few individuals who ventured abroad, walked in the middle, and when they met, declined on opposite sides, to avoid the contact of each other. But if the solitude and stillness of the streets impressed the mind with awe, there was something yet more appalling in the sounds, which occasionally burst upon the ear. At one moment were heard the ravings of delirium, or the wail of woe, from the infected dwelling; at another, the merry song, or the loud and careless laugh issuing from the wassailers at the tavern, or the inmates of the brothel. Men became so familiarized with the form, that they steeled their feelings against the terrors of death. They waited each for his turn with the resignation of the Christian, or the indifference of the stoic. Some devoted themselves to exercises of piety; others sought relief in the riot of dissipation, and the recklessness of despair.

September came; the heat of the atmosphere began to abate; but, contrary to expectation, the mortality increased.[2] Formerly a hope of recovery might be indulged; now infection was the certain harbinger of death, which followed, generally, in the course of three days, often within the space of twenty-four hours. The privy council ordered an experiment to be tried, which was grounded on the practice of former times. To dissipate the pestilential miasm, fires of sea-coal, in the proportion of one fire to every twelve houses, were kindled in all the streets, courts, and alleys of London and Westminster. They

[1] The weekly returns of the dead for these months were 1,006, 1,268, 1,761, 2,785, 3,014, 4,030, 5,312, 5,568, 7,496. I take no notice of the distinction made by the bills between those who died of the plague, and those who died of other diseases, because I conceive no reliance can be placed on it.

[2] The return for the week ending Sept. 5 was 8,252.

were kept burning three days and nights, and were at last extinguished by a heavy and continuous fall of rain. The next bill exhibited a considerable reduction in the amount of deaths; and the survivors congratulated each other on the cheering prospect.[1] But the cup was soon dashed from their lips; and in the following week more than ten thousand victims, a number hitherto unknown, sank under the augmented violence of the disease.[2] Yet, even now, when hope had yielded to despair, their deliverance was at hand. The high winds, which usually accompany the autumnal equinox, cooled and purified the air; the fever, though equally contagious, assumed a less malignant form, and its ravages were necessarily more confined, from the diminution of the population on which it had hitherto fed. The weekly burials successively decreased from thousands to hundreds, and, in the beginning of December, seventy-three parishes were pronounced clear of the disease.[3] The intelligence was hailed with joy by the emigrants, who returned in crowds to take possession of their homes, and to resume their usual occupations: in February the court was once more fixed at Whitehall, and the nobility and gentry followed the footsteps of the sovereign. Though more than one hundred thousand individuals are said to have perished, yet in a short time the chasm in the population was no longer discernible. The plague continued, indeed, to linger in particular spots,[4] but its terrors were forgotten or despised; and the streets so recently abandoned by the inhabitants, were again thronged with multitudes in the eager pursuit of profit, or pleasure, or crime.

From the metropolis, the pestilence had extended its destructive sway over the greater part of the kingdom. The fugitives carried the infection with them wherever they found an asylum; and the mortality was generally proportionate to the density of the population.[5] Fortunately it confined its ravages to the land; the fleet continued healthy; and as soon as the ships damaged in the late engagement were repaired, the duke of York hastened to take the command; but his eagerness was checked by the prohibition of the king, who had been solicited by the queen-mother not to expose the life of the presumptive heir to the uncertain chances of battle. The earl of Sandwich succeeded him, and sailed to watch the hostile navy in the Texel. In the mean while two fleets of Dutch merchantmen, the one from the East Indies, the other from Smyrna, valued at twenty-five million of livres, steering round the north of Ireland and Scotland, had taken shelter in the neutral harbour of Bergen in Norway. The temp-

[1] The return fell to 7,690.

[2] The number returned was 8,297; but it was generally acknowledged that the bills were very incorrect, and seldom gave more than two-thirds of the real number.

[3] The decrease was as follows: 6,460, 5,720, 5,068, 1,806, 1,388, 1,787, 1,359, 905, 544.

[4] There was not a week in the year in which some cases of plague were not returned. For all these particulars, see Hodges, Loimologia; De Foe; the newspapers of the year; Evelyn, Diary, ii. 215; Ellis, Letters, second series, iv. 36; Pepys, ii. 269, 273, 276, 281, 286, 293, 297, 305, 309, 310; Somers's Tracts, viii. 436. Clarendon, with his usual inaccuracy, makes the number of dead, according to the weekly bills, to amount to 160,000, which, he says, ought, in the opinion of well-informed persons, to be doubled.—Clarendon, 326. The number of burials, according to the bills, was only 97,306.—Table prefixed to Loimologia. If we add one-third for omissions, the amount will be about 130,000; but from these must be deducted the deaths from other causes than the plague. In the tables themselves the deaths from the plague in this year are 68,596; in 1666 they are 1,996; in 1667 they fall to thirty-five; to fourteen in 1668, and after that seldom reach to half a dozen.

[5] In August of the following year it raged with violence in Colchester, Norwich, Winchester, Cambridge, and Salisbury.—Rugge, MS.

tation was too powerful for the honesty of the king of Denmark; and, on condition that he should receive a moiety of the profits, he consented to connive at the capture of the Hollanders by the English fleet. Sandwich sailed immediately to Bergen, and Clifford, afterwards lord-treasurer, held an unsatisfactory conference with Alefeldt, the governor. That officer proposed that the English should wait till he had received instructions from Copenhagen; but Sandwich refused; Tyddiman entered the harbour with a powerful squadron; and the Dutch moored their ships across the bay, and raised a battery of forty-one guns on the shore. A sudden change in the direction of the wind compelled the English to cast anchor under the cannon of the castle; but Tyddiman, trusting to the neutrality of the governor, commenced the attack, and had already driven the enemy from most of their defences, when the garrison, in revenge, it was alleged, for the damage done to the town, opened a destructive fire on the assailants. One ship was sunk; the others, cutting their cables, ran out to sea, and the enterprise was abandoned. With whom the blame of the failure ought to rest, Clarendon professes himself unable to determine; Sandwich complained loudly of the duplicity and bad faith of the king of Denmark; but Sir Gilbert Talbot, the English ambassador, acquits the Danish authorities, and asserts that Sandwich refused to wait but one day for the arrival of instructions from Copenhagen, under the notion that, by acting without the permission of the Dane, he should exclude him from any right of participation in the expected booty.[1]

To the pensionary De Witt, the principal advocate of the war in Holland, to preserve the merchantmen in Bergen was an object of the first importance. Though a mere landsman, he took the command of the fleet, and, impatient of the obstruction caused by a contrary wind, sought and discovered a new passage out of the Texel. He sailed to Bergen, and the merchantmen placed themselves under his protection; but the fleet was dispersed by a storm, and Sandwich had the good fortune to capture eight men-of-war, two of the richest Indiamen, and about twenty other vessels. But avarice tempted him to take from the Indiamen a part of their cargo to the value of two thousand pounds, and the other flag-officers, with his permission, followed his example. The king, and the duke as lord high admiral, condemned his presumption; he acknowledged his offence before the council, and was in punishment deprived of the command; but to save his honour in the eyes of the public, he received the appointment of ambassador to the court of Spain.[2]

Charles, on account of the pestilence in London, had summoned the parliament to meet in Oxford. His object was to obtain another supply of money. The expenses of the war, partly through the want of naval stores,[3] partly through the negligence and rapacity of the officers, had considerably exceeded the calculations of his ministers, and the whole of the last parliamentary grant was already mortgaged to the creditors of the

[1] Clarendon, 270, 277—281. Pepys, ii. 324. Miscel. Aul. 359. Echard, 621. Sir Gilbert Talbot's Narrative among the Lansdowne MSS. 6859, p. 45; and his letters in Lister, iii. 389, et seq.

[2] Lords' Journ. xi. 687. Clarendon, 300—306. Coke, ii. 38. Miscel. Aul. 361. D'Estrades, ii. 364, 369. Pepys, ii. 324, 347, 352. Evelyn, ii. 248.

[3] To supply the naval arsenals, Charles, of his own authority, suspended the Navigation Act, and yet the parliament took no notice of it.—Coke, ii. 140. He revoked the suspension, 27th Sept. 1667.

public. With the king's request that the two houses, by their liberality, would complete their own work, they cheerfully complied; and an additional grant of one million two hundred and fifty thousand pounds, with a present of one hundred and twenty thousand pounds to the duke of York, was voted without a murmur. The next object which claimed their attention, was the danger to be feared from the enemies of monarchy. Algernon Sydney, and many of the exiles, had hastened to Holland, and offered their services to the States. Whether the latter seriously meditated an invasion of England or Scotland, may be doubted; but they certainly gave naval and military commands to several of the refugees, and encouraged the formation of a council of English malcontents at the Hague. These corresponded with their friends in England; the most sinister reports were put in circulation; strangers, notwithstanding the mortality, were observed to resort to the capital; and information was sent to Monk of secret meetings of conspirators, and of plots for the seizure of the Tower and the burning of the city. Rathbone, Tucker, and six of their associates, had been apprehended, and paid the forfeit of their lives; but Colonel Danvers, the leader, escaped from the grasp of the officers, and found an asylum in the country. Alarmed by this insignificant plot, the parliament attainted several of the conspirators by name, and, in addition, every natural-born subject who should remain in the service of the States after a fixed day.[1] These enactments, however, did not satisfy the more timid or more zealous. During the pestilence, many of the orthodox clergy in the metropolis persisted with the most laudable constancy in the discharge of their duties; many, yielding to their fears, had skulked away from the scene of danger, and sought security in the country. The Presbyterian ministers, who had recently been ejected, seized the opportunity to ascend the vacant pulpits amidst the loud cries of their congregations, "What must we do to be saved?" The self-devotion of these men, who braved the perils of death that they might administer the consolations of religion to their afflicted brethren, is said to have provoked the jealousy of their rivals; and that jealousy, if it really existed, was speedily gratified by new penal enactments. That the law had been violated, no one could deny; but the violation had been committed in circumstances so extraordinary, as to be more worthy of praise than censure. To add, therefore, to the legal offence, it was pretended that the ministers had employed the opportunity to disseminate from the pulpit principles of sedition and treason, representing the plague as a visitation from Providence, partly on account of their own expulsion from the churches, and partly on account of the immorality of the sovereign and his court; a charge in which it is probable that the indiscretion of one or two individuals was not only exaggerated, but unjustly extended to the whole body. However that may be, an act was passed, prohibiting every nonconforming mi-

[1] L. Journ. xi. 688, 692. St. of Realm, v. 578. Parker, 76—87. Burnet, i. 363. Clarendon, 290. It has been often asserted that these plots, and the correspondence said to be carried on between the disaffected in England and the Dutch, were mere fictions. The following extracts from the letters of d'Estrades, the French minister at the Hague, to his sovereign, will perhaps prove the contrary. Les états ont de grandes intelligences en Ecosse, et parmi les ministres de leur religion en Angleterre. —Mémoires d'Estrades, ii. 383, Oct. 3, 1665. L'Ecosse fait entendre aux états que dès que votre majesté se declarera, elle a un fort parti à mettre en campagne, et que les ministres de l'Angleterre de la même religion de ceux de ce pays mandent la même chose.—Id. 385.

nister to come, unless he were passing on the road, within five miles of any town sending members to parliament, or of any village in which he had ever lawfully or unlawfully exercised his ministry, under the penalty of a fine of forty pounds for every such offence, and of six months imprisonment, if he refused in addition to take the oath of non-resistance. For the better execution of this, the Five-mile Act, the bishops received from the orthodox clergy the names of all nonconforming ministers within their respective parishes; spies and informers were everywhere employed and encouraged; and the objects of suspicion were compelled to fix themselves and their families in obscure parts of the country, where they depended for support on their own labour and the casual charity of others. But the oath was still refused; and the sufferings of the victims served only to rivet their doctrines more firmly in the minds of their hearers.[1]

De Witt had long sought to strengthen himself and his party with the protection of the king of France; and Louis was not unwilling to purchase the services of a man who governed the states of Holland, and through them was able to control the other provinces of the republic. To him De Witt had communicated several proposals for the partition of the Spanish Netherlands; and the king, though he nourished a more ambitious project in his own breast, to humour the Dutchman, consented to enter into a negotiation respecting the conditions.[2] But, in 1665, Philip of Spain died, leaving the crown, and all the dominions dependent on it, to the infant his son, under the regency of Marianne of Austria, the queen-mother. Louis now determined, as he had previously intended, to take possession of Flanders, under the pretence, that by the custom of several provinces in the Netherlands, called the right of devolution, those provinces belonged to his wife, Maria Teresa, the daughter of Philip by his first marriage. It was, indeed, true that Louis by contract, and his young queen by a separate instrument, had solemnly renounced all claim to the succession to the Spanish monarchy in general, and to Flanders, Burgundy, and Charolais in particular;[3] but it was contended that the king had been released from the obligation of the contract by the non-payment of the marriage portion on the part of Spain, and that Maria Teresa had never been bound by the renunciation, because it was made during her minority. It chanced, however, that the Dutch, in virtue of the defensive alliance concluded between them and France in 1662, now called upon Louis to join as their ally in the war against Charles; and it seemed impolitic to provoke hostilities at the same moment with two such powers as England and Spain. It was, indeed, easy to elude the demand, by replying that a defensive treaty did not bind, when the party claiming aid had provoked the war; but, on the other hand, it was argued that Louis, by cheerfully uniting with the States,

[1] L. Journ. xi. 700. Stat. of Realm, v. 575. Wilkins, Con. iv. 583. Burnet, i. 392—393. The act did not mention non-conforming ministers, but included them under the description of persons who had enjoyed ecclesiastical promotion, or preached at unlawful conventicles.

[2] All the letters of d'Estrades, from his arrival in Holland in 1664, show how firmly this unfortunate statesman had devoted himself to the interests of France.

[3] Dumont, vi. part i. 283, 288. By the law of devolution, which prevailed in several provinces of the Netherlands, the right of inheritance was given to the children of the first marriage, even females, to the exclusion of the issue by the second. Maria Teresa, the consort of Louis, was the daughter of Philip of Spain by his first wife; Charles, the inheritor of the monarchy, was his son by the second.

would render them less hostile to his intended occupation of Flanders; and that, under the pretext of preventing the descents of the English, he might covertly make preparations, and assemble troops on the nearest parts of the coast.[1] Louis followed this counsel: his ambassador informed Charles that unless peace were speedily concluded, his master would feel himself bound to take part against him in the war; and the English king had the spirit to defy the power, rather than submit to the dictation, of a foreign prince.

In January the French monarch, though with many expressions of regret, declared war; but, at the reclamation of the English ambassador, granted three months to British subjects to withdraw with their effects from his territories.[2] The approach of a French force soon compelled Von Ghalen, bishop of Munster, who, as the ally of Charles, had made a formidable inroad into the province of Overyssel, to submit to a disadvantageous peace; and the French agent at Copenhagen prevailed on the king of Denmark to withdraw from his alliance with England, and to make common cause with the States. Charles, on his side, concluded a treaty with the king of Sweden, by which each party engaged not to furnish munitions of war to the enemies of the other; but failed in an attempt to create an opposition to De Witt in Holland, through the intrigues of De Buat, a partisan of the house of Orange, who soon afterwards forfeited his life as a traitor to the republic.[3]

These negotiations occupied the first months of the new year; in May, Prince Rupert and the duke of Albemarle assumed the joint command of the English fleet, and insulted with impunity the coast of Holland. There was, however, but little cordiality between the two admirals. The pride of Rupert could hardly brook an equal in rank and authority; but the people remembered the former victories of Monk over the Dutch, and Charles gratified the general wish by associating that nobleman with the prince in the chief command. They had returned to the Downs, when advice was received that the Dutch navy was not in a state to put to sea for several weeks, and that a French squadron, under the duke of Beaufort, had reached Belleisle from the Mediterranean. Unfortunately neither report was true. De Ruyter, accompanied by De Witt, had already left the Texel; the duke of Beaufort had not passed the Straits of Gibraltar. Rupert, however, received an order from court to hasten with twenty sail in search of the French, while Albemarle, with fifty-four, directed his course to the Gun-fleet. The next morning the duke, to his surprise, descried the Dutch force of more than eighty men-of-war lying at anchor off the North Foreland. He had so often spoken with contempt of the enemy, had so severely criticised the caution of the earl of Sandwich, that to retire without fighting would have exposed him to the censure and derision of the public. A council of war was instantly summoned; the majority, in opposition to their own judgment, acquiesced in the rash, but decided opinion of their commander, and the signal was made to bear down without delay on the enemy. No line was formed, no order observed;

[1] Dumont, vi. part ii. p. 412. Œuvres de Louis XIV. ii. 5—11, 25, 130.

[2] Dumont, part iii. 83. Clar. 282, 288. Miscel. Aul. 373. Mémoires d'Estrades, iii. 54, 64. Charles, on his part, offered freedom from molestation in person or property to all natives of France or the United Provinces residing in or coming into his dominions, "especially to those of the reformed religion, whose interest should particularly be owned by him."—Ralph, i. 159.

[3] Clarendon, 327, 329, 333—330. Dumont, vi. part iii. 59, 83, 106.

the blue squadron, which led the van, fought its way through the hostile fleet; but most of the ships of which it consisted were captured, or destroyed, or disabled. Darkness separated the combatants, and the action recommenced with the return of light. But if Monk on the preceding day had fought for victory, he was now reduced to fight for safety. A reinforcement of sixteen sail added to the hopes and the courage of the enemy; nor was it without the most heroic exertions that the English were able to protract the unequal contest till night. Monk having burnt a part of his disabled ships, and ordered the others to make for the nearest harbour, opposed in the morning sixteen, that remained, as a rear-guard to the pursuit of De Ruyter. But, in the hurry of their flight, they ran on the Galloper Sand, where the Prince Royal, the boast of the English navy, was lost, and where the rest would probably have shared its fate, had not Rupert, with his squadron of twenty sail, at last arrived to their relief. He had received orders to return from St. Helen's on the first day of the battle; nor was it ever explained why he did not join Albemarle till the evening of the third. The force of the hostile fleets was now more nearly balanced; they renewed the engagement on the following morning; and having passed each other five times in line, separated under the cover of a mist.[1] Such was the result of this succession of obstinate and sanguinary engagements. That the Dutch had a just claim to the victory cannot be doubted; though, if we consider the fearful disparity of force, we must own that no disgrace could attach to the English. "They may be killed," exclaimed De Witt, "but they will not be conquered." At home, the conduct of Monk was severely and deservedly censured; but no one could convince him that he had acted imprudently in provoking the battle, or that he had not inflicted more injury than he received.[2]

Both fleets stood in need of repairs: both, by extraordinary efforts, were in a short time again at sea. They met; the victory was fiercely and obstinately disputed; but the better fortune, or more desperate valour, of the English prevailed. Few prizes were, however, made. With rash, but successful daring, De Ruyter repeatedly turned on the pursuers, and kept them at bay, till the fugitives found a secure asylum in the Weirings. Rupert and Monk rode for weeks triumphant along the coast, interrupting the commerce, and insulting the pride of their enemies. At the suggestion of a native, Holmes, with a squadron of boats and fireships, was ordered to enter the channel between Ulie and Schelling, the usual rendezvous of vessels trading to the Baltic: in a short time two men-of-war, and one hundred and fifty merchantmen with their cargoes, were in flames, and the next day the neighbouring town of Brandaris, consisting of one thousand houses, was reduced to ashes. At the sight of the conflagration, De Witt, maddened with rage, and swore by the almighty God that he would never sheath the sword till he had obtained his revenge; an oath which he religiously observed.[3]

Louis was not unwilling that the

[1] Com. Journals, 1667, Oct. 31. Clarendon, 343, 344. Coke, 144. Heath, 550. Le Clerc, ii. 139. Basnage, i. 773. Pepys, ii. 393—402, 410, 411, 412, 415, 424, 434, 435.

[2] Pepys, ii. 422. Com. Journ. Oct. 31. According to Evelyn, the English lost ten ships, one thousand seven hundred men killed and wounded, and two thousand taken (ii. 258): the Dutch acknowledged the loss of two admirals, seven captains, and one thousand eight hundred men.—Le Clerc, ii. 142.

[3] Clarendon, 345. Pepys, ii. 444. Miscel. Aul. 411, 412. Mémoires d'Estrades, iii. 340, 361.

two great maritime powers should exhaust themselves in this tremendous struggle. To his allies he had promised the co-operation of his fleet; but that promise was yet to be fulfilled; and instead of risking the French navy in battle against the English, he sought to occupy the attention of Charles by exciting rebellion in his dominions. With this view he employed agents to intrigue with the Catholics of Ireland, who had lost their lands by the late act of settlement; and encouraged the hopes of the English exiles, who persuaded themselves that their party was still powerful in England. Algernon Sydney hastened to Paris; to the French ministers he maintained that the interest of France demanded the establishment of a republic in England; and to the French king he presented a memorial soliciting the gift of one hundred thousand crowns to enable his party to commence operations against the English government. But Louis paused before he would part with so large a sum of money. In conclusion he offered Sydney twenty thousand crowns in the first instance, with a promise of additional aid, if the rising should take place.[1]

About the middle of August, however, the duke of Beaufort, contrary to the general expectation, arrived at La Rochelle from the Mediterranean, and a plan was arranged between the two powers for the junction of their respective fleets in the British Channel. The Dutch, for this purpose, had already passed the Strait of Dover, when they descried the English under Prince Rupert. As De Ruyter, though on board, was confined by severe indisposition, the men betrayed a disinclination to fight without the presence and orders of their favourite commander; and the fleet ran close into the shore in St. John's Road, near Boulogne. Rupert dared not follow; he turned to oppose Beaufort, as he came up the Channel; but the violence of the wind compelled him to seek shelter at St. Helen's, and the French squadron had the good fortune to arrive in safety at Dieppe. Louis, alarmed at the proximity of his fleet to the superior force of the English, by repeated messages insisted that the Dutch should proceed to give it protection. But their ships had suffered severely from the weather; the admiral was still unable to take the command; and instead of joining their allies, they embraced the first opportunity of returning to their own ports. Beaufort, however, extricated himself from the danger, and stole his way down the Channel with no other loss than that of the Ruby, of fifty-four guns.[2]

[1] Louis XIV. ii. 203, and note ibid. Miscel. Aul. 433.

[2] Clarendon, 347. Heath, 553. Miscel. Aul. 418. Louis XIV. ii. 219, 221—226. Temple, i. 477.

CHAPTER III.

GREAT FIRE OF LONDON—PROCEEDINGS IN PARLIAMENT—INSURRECTION IN SCOTLAND—SECRET TREATY WITH LOUIS—DUTCH FLEET IN THE THAMES—PEACE OF BREDA—FALL OF CLARENDON—TRIPLE ALLIANCE—SECRET NEGOTIATION WITH FRANCE—CONVERSION OF THE DUKE OF YORK—INTRIGUES TO ALTER THE SUCCESSION—DIVORCE OF LORD ROOS—VISIT OF THE DUCHESS OF ORLEANS—SECRET TREATY WITH FRANCE—DEATH OF THE DUCHESS—SECOND SECRET TREATY—MISCELLANEOUS EVENTS.

THE storm which had driven the English fleet into St. Helen's was productive of the most disastrous consequences by land. About two in the morning of Sunday, the 2nd of September, a fire burst out in Pudding Lane, near Fish Street, one of the most crowded quarters of the metropolis. It originated in a bakehouse; the buildings in the neighbourhood, formed of wood, with pitched roofs, quickly caught the flames; and the stores with which they were filled, consisting of those combustible articles used in the equipment of shipping, nourished the conflagration. To add to the mischief, the pipes from the New River were found empty,[1] and the engine which raised water from the Thames was reduced to ashes. The lord mayor arrived on the first alarm; but his timidity and inexperience shrunk from the adoption of decisive measures: he refused for several hours to admit the aid of the military; and to those who advised the demolition of a range of houses, replied that he must previously obtain the consent of their respective owners.[2]

During the day the wind, which blew from the east, hourly augmented in violence; and the fire spread with astonishing velocity, leaping from roof to roof, and frequently igniting houses at a distance, and in apparent security. The following night ("if night," says an eye-witness, "that could be called, which was as light as day for ten miles round") presented a most magnificent but appalling spectacle. A vast column of fire, a mile in diameter, was seen ascending to the clouds; the flames, as they rose, were bent and broken, and shivered by the fury of the wind; and every blast scattered through the air innumerable flakes of fire, which falling on inflammable substances kindled new conflagrations. The lurid glare of the sky, the oppressive heat of the atmosphere, the crackling of the flames, and the falling of the houses and churches, combined to fill every breast with astonishment and terror.

Instead, however, of adverting to

[1] On the authority of an old woman, the countess of Clarendon, and of a divine, Dr. Lloyd, whose brain had been affected by the study of the Apocalypse, Burnet gravely tells a story of one Grant, a papist, a partner in the works at Islington, having on the preceding Saturday turned the cocks, and carried away the keys.—Hist. i. 401. But the fire happened on the 2nd of September, and Higgons (Remarks, 219) proves from the books of the company that Grant had no share in the works before the 25th of that month.

[2] The duke of York says, that the expedient of blowing up houses with gunpowder was suggested by an old woman (Macpher. Pap. i. 36); Evelyn by a party of sailors; but "some tenacious and avaricious men, aldermen, &c., would not permit it, because their houses must have been the first" (ii. 266).

the natural causes of the calamity, causes too obvious to escape an observant eye, the public credulity listened to stories of malice and treachery. It was said and believed, that men had been apprehended carrying with them parcels of an unknown substance, which on compression produced heat and flame; that others had been seen throwing fireballs into houses as they passed along the street; that the foreign enemy had combined with the republicans and papists to burn the city; and that the French residents in the capital, to the number of twenty thousand, had taken up arms, and were massacring every native who came in the way. These reports augmented the general terror and confusion. All were mingled together, men labouring to extinguish the flames, citizens conveying away their families and goods, crowds flying from the imaginary massacre, others in arms hastening to oppose the murderers, and mobs surrounding and ill-treating every stranger, foreigner, and reputed papist, who ventured into the streets.

Charles never appeared so deeply affected as at the sight of the conflagration. Breaking from his pleasures and his mistresses, he displayed an energy of mind and body of which his most intimate friends thought him no longer capable. Wherever the danger appeared the greatest, the king was to be found with his brother, mixing among the workmen, animating them by his example, and with his own hand rewarding their exertions.[1] He divided the city into districts, and gave the command of each district to one of the privy council. He ordered biscuits and other necessaries to be brought from the royal stores for the relief of the families in the fields, and sent out strong patroles of his guards to prevent robbery, and to conduct to prison all persons suspected and arrested by the populace, as the most likely means of preserving their lives.

While the storm continued, the conflagration bade defiance to all the exertions of human ingenuity or power. In many places houses had been blown up or demolished; but the ignited flakes were carried over the empty space, or the ruins again took fire, or the flames unexpectedly turned in a new direction. On the evening of Wednesday the violence of the wind began to abate; the duke of York had saved the church of the Temple by the destruction of the neighbouring buildings; and the next morning a similar precaution was adopted by the king to preserve Westminster Abbey and the palace of Whitehall. About five in the evening the weather became calm; and every heart beat with the hope that this dreadful visitation was approaching to its close. But in the night new alarms were excited. The fire burst out again in the Temple; it was still seen to rage with unabated fury near Cripplegate, and a large body of flame made rapid advance towards the Tower. The duke and the other noblemen were immediately at their posts. With the aid of gunpowder large openings were made: Charles attended at the demolition of the houses on the graff near the magazine in the Tower; and the conflagration, being thus prohibited from extending its ravages, gradually died away, though months elapsed before the immense accumulation of ruins ceased to present appearances of internal heat and combustion.[2]

[1] "It is not indeed imaginable how extraordinary the vigilance and activity of the king and the duke was, even labouring in person, and being present to command, order, reward, or encourage workmen."—Evelyn, ii. 268. Life of James, i. 424.

[2] London Gazette, No. 85. Clarend. 348—352. Evelyn, ii. 263—267. Philips, 652. Burnet, i. 401, 402; and Pepys, Diary, iii. 16—35.

By this deplorable accident two-thirds of the metropolis, the whole space from the Tower to the Temple, had been reduced to ashes. The number of houses consumed amounted to thirteen thousand two hundred; of churches, including St. Paul's, to eighty-nine, covering three hundred and seventy-three acres within, and sixty-three without the walls. In the fields about Islington and Highgate were seen lying on the bare ground, or under huts hastily erected, two hundred thousand individuals, many in a state of utter destitution, and the others watching the small remnant of their property which they had snatched from the flames. Charles was indefatigable in his exertions to afford relief, and to procure them lodgings in the nearest towns and villages.[1]

Whoever considers the place in which the fire began, the violence of the wind, and the materials of which the houses were built, will not be at a loss to account for the origin and the extent of the conflagration. But it was an age in which political and religious prejudices had perverted the judgments of men. Some considered it an evident visitation of Providence in punishment of sin; but of what sin? Of the immorality of the king and the courtiers, replied the more rigid religionists; of the late rebellion, recriminated the Cavaliers.[2] Others attributed it to the disloyalty and revenge, either of the republicans, who sought to destroy the seat of the monarchy, or of the papists, who wished to punish the stronghold of orthodoxy. But of these charges, though the individuals suspected were examined before the council and the lord chief justice, though the house of Commons ordered a strict inquiry to be instituted, though every species of conjectural and hearsay evidence was admitted, yet no vestige of proof could ever be discovered. The report of the committee still exists, a complete refutation of the calumny.[3] Subsequently, however, on the Monument erected to perpetuate this calamitous event, it was, and long stood, recorded, that "The burning of this Protestant city was begun and carried on by the treachery and malice of the popish faction, in order to the effecting their horrid plot for the extirpating the Protestant religion and English liberties, and to introduce popery and heresy." Next to the guilt of him who perpetrates an atrocious crime, is the guilt of those who charge it on the innocent.[4]

In the same month, when the par-

[1] St. Trials, vi. 807. Evelyn, ii. 271.

[2] Two remarkable coincidences have been noticed. At the trials of certain conspirators in the preceding April, it appeared that they had formed a plot to set fire to London on the 3rd of September of the current year, that they might avail themselves of the confusion to overturn the government (London Gazette, Apr. 23—26); and it was about two in the morning of Sept. 2nd that the fire made its appearance. Again, in 1656, a treatise was advertised, purporting to show from the Apocalypse, that in the year 1666 the Romish Babylon would be destroyed by fire.—Merc. Pol. in Burton's Diary, i. cxlvii. Now this great fire actually happened in 1666, the year foretold, though it destroyed not the Romish, but the English, Babylon.

[3] The examinations are printed in Howell's State Trials, vi. 807—866. One Hubert, a French Protestant, who formerly worked as a silversmith in the city, gave himself up as the incendiary, was examined before the committee (see his examination, p. 824), and, persisting in his story, was condemned and executed. The man was clearly insane. "Neither the judges, nor any present at the trial, did believe him guilty; but that he was a poor distracted wretch, weary of his life, and chose to part with it this way."—Clarendon, 353; see also Higgons on Burnet, 215.

[4] The Monument was begun in 1671, and finished in 1677; the inscription was written by Dr. Thomas Gale, afterwards dean of York.—Pennant's London, 347. Since, however, the first publication of this work, the passage mentioned in the text, with the following line in the Latin inscription: "Sed furor papisticus, qui tam dira patravit, nondum restinguitur"—was erased, by order of the city, on the 6th Dec. 1830.

liament assembled, it became manifest that the popularity of the king was on the wane in the lower house. The late disaster had thrown a gloom over the public mind; and the murmurs of the people were echoed in the speeches of their representatives. The duke of Buckingham sought the company of the discontented; by tales of the royal extravagance and immorality, he sharpened their indignation and won their confidence; and in a short time, a formidable party was arrayed against the advocates of the court. No man, indeed, could be more immoral than Buckingham himself; but Charles, to gratify the anger of Castlemaine, had banished him from court, and resentment made him a saint and a patriot. The Commons began, indeed, by voting a supply of one million eight hundred thousand pounds; yet, while they held out the money as a lure to the king, they required several concessions before they would deliver it into his hands. 1. According to ancient custom, they displayed their zeal against the Catholics. The attempt to fasten on them the charge of having fired the capital unfortunately failed; but a committee was appointed "to inquire into the insolence of the papists and the increase of popery;" and though the information which they procured consisted of tales so childish and improbable, that they dared not pronounce an opinion,[1] yet it served as the foundation of an address to the king; and Charles, in accordance with their petition, commanded, by proclamation, all priests and Jesuits to quit the kingdom; gave directions to the judges and magistrates to execute the laws against recusants, to disarm all papists, and to administer the oaths of allegiance and supremacy to all persons suspected of popery, and ordered the commanders of regiments to dismiss from the army every officer and soldier who should refuse the oaths, or had not received the sacrament.

2. In 1663 complaint had been made in parliament that the agricultural interest of England was sacrificed to that of Ireland; that the annual importation of Irish cattle, amounting to more than sixty thousand beeves, and a proportionate number of sheep, depressed the prices in the English market; and that the English farmers were no longer able to pay their rents to their landlords, or their taxes to the king. The result was an act prohibiting, under severe penalties, the importation of cattle from the Irish to the English ports. There now remained but one resource for the Irish farmer,—the introduction of the dead carcase in place of the live animal; and to meet this a bill was brought in during the session at Oxford, to extend the prohibition to salt beef, bacon, and pork. It was lost by the hasty prorogation of parliament, but revived in the present session. Never, for many years, had any question excited such agitation in the public mind, or such animosities in the two houses. On the one part it was contended that the parliament was bound in duty to protect the agricultural interest, which comprised not only the farmers and their servants, but all the landlords in the kingdom: on the other, that the people had a right to purchase their food at the cheapest market; that it was unjust to protect one interest at the expense of another; and that, if the Irish were not allowed to export their cattle, they would not be able to import the manufactures of England. The bill, after much contestation, was sent to the Lords, and returned by them with amendments, to which the Commons objected. The opponents of the measure hoped, by

[1] It is published in the State Trials, vi. 801.—806.

fomenting the dissension, to suppress the bill; but the king was so anxious not to lose by delay the supply which had been voted, and so alarmed by the tumultuous meetings of the agriculturists in the country, that he commanded the duke of York and his friends in the house of Lords to desist from their opposition. They withdrew before the division, and the bill was suffered to pass into a law.[1]

3. Reports were circulated that the supplies previously voted for the war had been diverted from their original destination; and a bill was carried through the Commons, appointing commissioners to audit the public accounts. Charles, at the earnest solicitation of Sir George Carteret, treasurer of the navy, and of Cooper, Lord Ashley, the treasurer of the prize-money, openly declared that he would never yield his consent. It was a direct invasion of the royal prerogative; it would prevent men from taking office, if, instead of the regular method of auditing accounts, they were to be interrogated at will by the Commons, and subjected to the arbitrary judgment of that house; and, which was the most cogent argument of all, it would reveal to the public the many and valuable grants which the king had made of the national money to his favourites and mistresses. But to oppose it openly might provoke and confirm suspicion; when the bill came to the upper house, the Lords voted an address to the king to appoint a commission of inquiry; the Commons resolved that such an address, pending the bill, was unparliamentary, and the two houses found themselves involved in an endless controversy respecting their rights and privileges. Charles, however, was now assailed from a different quarter. His opponents threatened to impeach the countess of Castlemaine; and his anxiety to screen her from prosecution induced him to employ his influence in favour of the bill. The Lords passed it with a few trifling amendments; and then its supporters, as if their only object had been to excite the distrust of the nation, instead of proceeding with a measure which they had so warmly pursued, suffered the bill to lie without notice on the table. The means of raising the supply by a poll-tax, and by eleven monthly assessments, were voted, and the king, having obtained his end, prorogued the parliament.[2]

During this session, the council was seriously alarmed by the news of an insurrection in Scotland, an insurrection attributed at first to foreign intrigue, but provoked in reality by religious persecution. The eastern and northern counties had apparently acquiesced in the restoration of episcopacy; but in the west and south a

[1] Miscel. Aul. 432, 436, 437, 439. Coke, 131—144. Clarendon, 371—383. Carte, ii. 317—322, 329—334. In the course of these debates, Buckingham said that whoever opposed the bill must have an Irish interest in his heart, or an Irish intellect in his head. Lord Ossory challenged him, but he chose to mistake the place of meeting, and to give an account of the whole proceeding to the house. Both were put under custody, and afterwards reconciled. Next he quarrelled with Lord Dorchester respecting a seat in a conference with the Commons. The marquess in the scuffle lost his periwig, the duke a handful of hair. The two champions were sent to the Tower, and afterwards reconciled.—L. Journ. xii. 18, 19, 52. Clarendon, 376—379. Miscel. Aul. 423—426.

[2] L. Journ. xii. 34, 47, 52, 72, 88. C. Journal, Jan. 24, Feb. 7. Clarendon, 368, 374. Charles, however, in the April following, did appoint a commission of lords and commons, "for taking accounts of the several sums of money which had been raised and assigned to his majesty's use during the war, and of all such money and profits as had been made of prizes taken since the beginning of the war, with power to call to account all treasurers, receivers, &c., and all such authority as might serve for the effectual and impartial execution of the said commission." They sat, continued the inquiry for many months, and made reports to the house of Commons. There was, however, no important result.

strong spirit of resistance had been manifested. Most of the ministers were ejected, and their places supplied by clergymen, whose youth and habits were not calculated to render them acceptable to the people. When they took possession of their cures, they were generally received with contumely, sometimes with volleys of stones from crowds of women and children; and when they ascended the pulpit, their churches were deserted by the majority of the parishioners. These followed their former pastor to the barn and the moor; the circumstances under which they met kindled the enthusiasm both of the preacher and his hearers; and they separated with a firm determination to adhere to the national covenant, and to oppose to the death the "antichristian" institution of bishops. The parliament made laws to put down conventicles, and enforce attendance at the parish church; the High Commission court endeavoured to subdue the most refractory by arbitrary and disproportionate punishments; and as a last resource, a body of soldiers, under Sir James Turner, was sent into the west to levy fines and secure obedience to the law. Without attaching entire credit to the exaggerated tales of the sufferers,[1] we may presume that these military missionaries did not discharge their duties in a manner to please or conciliate the natives; numerous frays occurred between them and the religionists on whom they were quartered; one of the soldiers was shot at Dalry in Galloway; the offenders secured his companions for their own safety; their number quickly increased to two hundred men; they surprised and made prisoner Sir James Turner himself; and, astonished at their success, began to deliberate respecting their future proceedings. They never exceeded eleven hundred men; but, on the ground that "God was able to save by few as well as by many," they chose officers, renewed the covenant, and resolved to march towards Edinburgh. The night, which was cold and dark, they spent at Bathgate: in the morning, relying on the aid of their friends within the city, they continued to advance; but the gates were shut; and the royal army under Dalziel followed their footsteps. They retreated from Colinton to Rullion Green, near the Pentland Hills, where their commander, Colonel Wallace, faced the enemy. Of the ministers who accompanied them, Crookshank and Maccormick, natives of Ireland, took their station among the cavalry to fight the battle of the Lord: Welch and Semple, natives of Scotland, ascended a neighbouring eminence to pray. The former fell in the first charge; the latter, as soon as they saw the loss of the battle, saved their lives by flight. About fifty of the insurgents were left dead on the field, and one hundred and thirty were made prisoners. It was a time when, perhaps, some effect might have been produced by the lenity of government; but the prelates deemed it more prudent to intimidate by severity. Twenty were executed in the capital, and about the same number in Glasgow, Ayr, and Dumfries. All refused the oath, and died professing their adhesion to the covenant. The king ordered a rigorous inquiry to be made into the origin of the insurrection; and the chief of the prisoners were tortured in the "boots." That they had received promises from their brethren in Holland could not be doubted; but no disclosure of the secret was drawn from them by torture; Charles be-

[1] Turner himself says, "Heere I shall take leave once for all to write ane undoubted truth, which is, that I was so farre from exceeding or transgressing my commission and instructions, that I never came the full length of them."—Memoirs, 144.

came satisfied that persecution had goaded them to resistance; and an order was issued that the Whigs (the name by which the Covenanters were now designated) should be treated with less severity.[1]

The suppression of this tumult relieved the king from one source of disquietude; there remained another, which he knew not how to remove—the poverty of the exchequer. To prepare the fleet for sea required an immediate supply of money; and the grant made by the parliament, though liberal in the amount, offered but a distant resource. In the former years the royal wants had been promptly accommodated by the bankers, a few opulent individuals, members of the company of goldsmiths and aldermen in the city. These it was customary to introduce into the royal presence; they were acquainted with the amount of the intended loan; each subscribed for such portion as he chose to take, and received in return the assignment of some branch of the public revenue, entitling him to its produce till the capital, with the interest at eight per cent., should be entirely discharged.[2] But this expedient was now impracticable, on account of the embarrassments caused by the plague and the fire, in mercantile and pecuniary transactions. The bankers had suffered considerable losses; money had grown scarce; the destruction of merchandise had diminished the receipt of the customs and excise; and the inability of the treasury to fulfil its engagements had impaired the royal credit. In an evil hour, Sir William Coventry proposed to lay up the larger ships in ordinary, and to equip only two squadrons of light frigates, one to harass the enemy's trade in the Channel, and the other that in the German Ocean. The duke of York objected with considerable force, that such an expedient was in truth an abandonment of the sovereignty of the sea, and an invitation to the Dutch to insult the English coast, and plunder the maritime counties. But the difficulty of procuring money, and the expectation of a speedy peace, weighed with the rest of the council; and Charles consented to a measure which subsequently gave him keener regret, and brought on him more lasting disgrace, than, perhaps, any other act of his government.

The king of France, who had completed his preparations for the invasion of Flanders in the spring, was become anxious to free himself from the incumbrance of the war with England. Through Ruvigni, first cousin to Lady Russell, and agent of the French Protestants at his court, he persuaded the earl of St. Alban's, who, it was rumoured had privately married the queen-mother, to proceed to London and sound the disposition of Charles. The English king earnestly wished to try again his fortune by sea; but the

[1] Kirkton, 229—255. Wodrow, 247—256. App. 86, 87, 88. Burnet, i. 461. Turner's Mem. 149—187. "The poor people, who were in contempt called whiggs, became name-fathers to all that owned ane honest interest in Britain, who were called whiggs after them even at the court of England: so strangely doth Providence improve man's mistakes for the furthering of the Lord's purpose."—Kirkton, 255.

[2] Clarendon, 393—396, 314—315. Life of James, i. 425. Macpherson Pap. i. 367. The bankers were accustomed to charge eight per cent. on loans, and to give six per cent. on deposits. The manner of payment may be understood from the following order in council, published in March of this year: "That all persons who had lent money for his majesty's service in the present war, upon the credit of the late act for 125,000*l.*, whose orders were of the numbers of 99, 100, and so forwards to 126, should take notice that there remained money for them in bank at the receipt of his majesty's exchequer, ready to pay both their principal and interest, and should therefore cause their respective orders and tallies to be brought into the exchequer; and give their acquittances, that they might receive their loans and interests according to the said act."

difficulty of fitting out the fleet subdued his repugnance to a treaty, and he consented to send commissioners to Breda, on condition that an armistice should accompany the negotiation.[1] Louis met with greater difficulty on the part of the States, who, aware that his intended conquest of Flanders must prove injurious to their interests, sought to divert him from his purpose by continuing the war, from which he had recently pledged himself not to withdraw without their consent. But the monarch, irritated by their objections and delays, discovered an expedient by which he disappointed their hopes. Without the knowledge of the ministers at either court, he opened a secret negotiation with Charles. Each prince addressed his letters to the queen Henrietta Maria, Louis as to his aunt, Charles as to his mother; and that princess forwarded them to their destination, under covers, as from herself. Neither had any real cause of hostility against the other, and the only difficulty arose from a desire in the English king to recover the isles in the West Indies, which had been taken by the French, and on the part of Louis to obtain a pledge that England should not oppose his designs against Spain. At length they compromised these pretensions, and it was agreed that each should abstain from hostilities against the other; that France should restore her conquests in the West Indies; that England, during the space of one year, should afford no assistance to Spain; and that so much of this treaty as was fit to meet the eye of the public should be afterwards inserted in a public treaty. Both kings solemnly pledged themselves to the observance of the articles in a paper under their respective signatures, which for greater privacy and security was deposited with Henrietta Maria, as their common relation and friend.[2]

While the secret treaty proceeded, the French ambassador reiterated his demands at the Hague, and four out of the seven provinces, eager for peace, resolved to withdraw their contributions towards the expenses of the war. De Witt with his party was compelled to yield; Breda was named for the place of the congress, and in the month of May the ambassadors of the several powers assembled. But the pensionary still thirsted for revenge: he knew that the Dutch fleet was ready to sail, and that England had no fleet to oppose to it; and he determined not to throw away the opportunity which fortune had placed in his hands. When the armistice was proposed, the Dutch immediately refused their consent, on the ground that it would occupy as much time to discuss its conditions as those of the peace itself; and while the English argued, and the French remonstrated, De Ruyter, accompanied by the brother of De Witt, ordered the fleet, to the amount of seventy sail, to join him in separate squadrons at the buoy off the Nore.

The English government was not taken by surprise. The warnings of the duke of York had awakened them to a sense of the danger; and three months before, orders had been issued to raise a fort at Sheerness, to throw a boom across the Medway at the stakes, to mount the guns on the batteries, and to prepare a competent number of fireships. But it was not easy to carry these orders into execution. The commissioners of the navy already owed more than nine hundred thousand pounds. Their credit was gone; the sailors refused to serve, the labourers to work, the

[1] Clarendon, 419.

[2] For the knowledge of this singular transaction, the first of the secret treaties between Louis and Charles, we are indebted to Louis himself, in his Œuvres, ii. 256, 286, 288, 289; v. 309, 405.

merchants to sell, without immediate payment; and to procure ready money, either by application to the treasury, or by loan from the bankers, was impossible.[1] De Ruyter, that he might distract the attention of the council, ordered one division of his fleet to sail up the Thames as far as Gravesend, and the other to destroy, which was his chief object, the shipping in the Medway. The fort at Sheerness opposed but a feeble resistance. Though Charles, to hasten the completion of the works, had visited them twice during the winter, they were still in an unfinished state, and a few broadsides levelled them with the ground. At the first alarm, Monk, by the royal order, hastened to the mouth of the Medway. He erected batteries, moored guard-ships for the protection of the boom, and sunk five ships before it in the narrowest part of the channel. He had not completed these preparations, when the Dutch advanced with the wind and tide in their favour; but the obstruction in the passage opposed an insuperable bar to their progress, and they were compelled to fall back with the ebb. During the night, however, they discovered a new channel, sufficiently deep for large ships at high water, and in the morning worked their way without impediment in this direction. The men-of-war immediately pointed their guns against the batteries; and a heavy fireship, running against the boom, hung upon it. A second followed in like manner; the chain broke under their united weight; and in a short time, the guardships were in a blaze. The hull of the Royal Charles, a first-rate, which through neglect of orders had not been removed, became the prize of the conquerors.

Monk, disappointed but not disheartened, hastened back to Upnor Castle. The night was employed in mounting guns and collecting ammunition: in the morning the batteries were manned with volunteers from the navy; and the return of the tide exhibited a sight most galling to the pride of every Englishman, — the Dutch fleet advancing triumphantly up the river. Two men-of-war led the line; then came six enormous fire-ships; after them followed the rest of the squadron. The men-of-war anchored to receive and return the fire of the batteries; and the fire-ships passing behind them, pursued their course, reducing to ashes the three first-rates, the Royal James, the Oak, and the London. At the ebb, their commander, Van Ghent, whether he had fully executed his orders, or was intimidated by the warm reception which he experienced, made the signal to the fleet to fall down the river, and, having burnt two of his own vessels which had grounded, rejoined in safety the other division at the Nore.[2]

To the English, if we consider the force of the enemy and the defenceless state of the river, the loss was much less than they had reason to expect; but the disgrace sunk deep into the heart of the king, and the hearts of his subjects. That England, so lately the mistress of the ocean, should be unable to meet her enemies at sea, and that the Dutch, whom she had so often defeated, should ride triumphant in her rivers, burn her ships, and scatter dismay through the capital and the country, were universally subjects of grief and indignation. Many attributed it to that eternal source of every calamity, the imaginary machinations of the papists;[3] others were taught to believe that the king had secretly

[1] See Pepys, iii. 156, 162, 169, 174.
[2] C. Journals, Oct. 31. Pepys, iii. 237, 241, 242, 245, 250; v. 17. Evelyn, ii. 287, 288, 291.
[3] Pepys, iii. 245, 252.

leagued with the enemy for the purpose of depressing the nation, that he might the more easily establish a despotic government; and numbers contrasted the disastrous result of the present war against the Dutch under a king, with the glorious result of the former war under a protector. But their reasoning was evidently unjust. Whatever might be the faults of Charles, he had conducted the war with equal spirit, and till this moment with more signal success. Even the disgrace at Chatham, originating from a measure which had been forced upon him by pecuniary distress, had not in reality diminished the power nor impaired the resources of the country.

For six weeks De Ruyter continued to sweep the English coast. But his attempts to burn the ships at Portsmouth, Plymouth, and Torbay were successively defeated; and, though he twice threatened to remount the Thames, the spirited opposition with which he was received by a squadron of eighteen sail, under Sir Edward Spragge, induced him to renounce the design. In the mean time the Dutch negotiators, who had purposely protracted the conferences at Breda, began to be alarmed at the rapid progress of the French army in Flanders; for Louis, soon after his secret treaty with Charles, passed the frontiers with an army of seventy thousand men, nominally commanded by himself, but really under the guidance of Turenne. Castell-Rodrigo, the Spanish governor, dismantled several fortresses; Binche, Tournay, Oudenarde, Courtrai, and Douai opened their gates; and Louis was actually occupied in the siege of Lisle, when the States hastened to withdraw their objections to the proposals of England, that they might have leisure to secure themselves against the ambition of their powerful ally.[1] Three treaties were signed by the English commissioners on the same day. By one, with Holland, it was stipulated that both parties should forget past injuries, and remain in their present condition, which confirmed to the States the possession of the disputed island of Pulerone, and to the English their conquests of Albany and New York. By the second, with France, Louis obtained the restoration of Nova Scotia, and Charles that of Antigua, Montserrat, and part of St. Kitt's; and by the last, with Denmark, which country had acceded to the war as the ally of the Dutch, the relations of amity were re-established between the two crowns.[2]

There was nothing in the conditions of peace to mortify the pride or to prejudice the interests of the nation; yet the calamities which had accompanied the war—the plague, the fire, and the disgrace at Chatham, though over the two first no human counsels could have had any control, had soured the temper of the people; and Charles,

[1] The success of Louis produced a benefit to England, which was unexpected; it induced "one Brewer, with about fifty Walloons, who wrought and dyed fine woollen cloths," to migrate to this kingdom. "The king entertained them against our barbarous law, or rather ussge, against foreigners partaking the benefit of natural-born English; and by them the English, in a few years, were instructed to make and dye fine woollen cloths cheaper by forty per cent. than they could do before."—Coke, ii. 161.

[2] See them in Dumont, vii. part i. 40—57; Mém. d'Estrades, iv. 395—428; Temple, i. 481. On the departure of the Dutch fleet from the river, the king resolved to assemble the parliament; Clarendon objected that it could not be done lawfully before the 10th of October, the day to which parliament had been prorogued. The only remedy was the dissolution of the present, and the calling of a new parliament. But this objection was overruled; and the two houses, in obedience to the king's proclamation of June 26, met on July 25. But their services were no longer wanted: the peace was already signed; and Charles on the 20th prorogued the parliament to Oct. 10—a measure which excited many complaints, on account of the expense and trouble to which the members had been unnecessarily subjected.—See Clarendon, Continuation, 421—425, 427; L. Journ. xii. 112—114.

anxious to divert attention from his own misconduct, was not unwilling to sacrifice a victim to the public discontent. Ever since the restoration, Clarendon had exercised the power, though without the name, of prime minister; and to his pernicious counsels it was become the fashion to attribute every national calamity. It must be confessed that, with a correct judgment and brilliant talents, he had contrived, whether it arose from the infirmity of his nature or the necessity of his situation, to make himself enemies among every class of men. The courtiers had been alienated from him by the haughtiness of his manner, and his perpetual opposition to their suits, their projects, and their extravagance; the friends of liberty, by his strenuous advocacy of every claim which he conceived to belong to the prerogative, and his marked antipathy to every doctrine which seemed to him to savour of republicanism; and the Catholics, the Presbyterians, and the several classes of dissenters, by the belief that through his obstinate and successful opposition they had been deprived of the indulgence to tender consciences promised by the king in his declaration from Breda. He had offended the house of Commons by reproaching them with conduct similar to that of the Long parliament, and the house of Lords by complaining that they suffered the Commons to usurp the lead in public business, and were content with maintaining their own privileges.[1] The king, indeed, had been accustomed to listen to him with respect, almost with awe. But these sentiments gradually wore away. The courtiers mimicked the gravity of Clarendon in the royal presence; they ridiculed his person and manner; they charged him with interested motives; and represented him as a morose pedagogue, claiming to retain the same control over the mind of the man, which he had once exercised over that of the boy. Charles laughed and reproved; but frequency of repetition insensibly produced effect; and feelings of suspicion and aversion were occasionally awakened in the royal breast. Nor did Clarendon himself fail to aid the efforts of his enemies. He often contradicted the favourite opinions of the king; sometimes carried measures against him in the house of Lords; and, on more than one occasion, so far forgot himself at the council-table, as to speak with a vehemence and authority which hurt the pride of the monarch. His opposition in the house of Lords to the bill for indulgence to tender consciences was never forgotten; and recently, when the plan of putting the treasury in commission was debated during the parliament at Oxford, his conduct had given deep and lasting offence. He was at last taught to feel that, though he might still be consulted as formerly, he no longer enjoyed the royal friendship; and his political opponents, seeing the slippery ground on which he stood, laboured to precipitate his fall.[2]

The first attempt was made by the earl of Bristol in 1663. The reader is aware that it failed; and the failure served for a time to confirm the power of the chancellor. Still he grew more unpopular; men of opposite interests found their way into the council; his great friend and supporter, the earl of Southampton, died; and the countess of Castlemaine and the duke of Buckingham leagued together to effect his overthrow. To the lady he had given mortal offence by forbidding his wife to visit her, a prohibition which he refused to withdraw

[1] Clarendon, 383—385.

[2] Clarendon, 245, 243, 321, 358, 361. Life of James, i. 398, 428. Pepys, iv. 208.

even at the request of the king.[1] Buckingham, during the last session, had placed himself in opposition to the court, and declared open war against Charles and his mistress. But his intrigues with the disaffected had been betrayed by one of the agents; and, after the prorogation, the king deprived him of all the offices which he held under the crown, and ordered him to surrender himself to the lieutenant of the Tower. He absconded, but fortunately the agent died, and the duke, having made his peace with Castlemaine, presented himself to the lieutenant, was examined before the council, discharged, permitted to kiss the king's hand, and restored to his former employments.[2] From that moment the doom of Clarendon was sealed. When the Dutch fleet rode victorious in the mouth of the river, he had advised the king to dissolve the parliament and support the troops on the coast by forced contributions from the neighbouring counties, to be repaid out of the next supply. This counsel was divulged by some of his enemies, and represented as a plan to govern the kingdom with a standing army in the place of the parliament. The imputation was everywhere received with expressions of abhorrence, and provoked the additional charges of venality and ambition. The presents which he had been in the habit of receiving from all who sought his friendship or protection, were held forth as proofs of his rapacity; that magnificent pile called Clarendon House, was said to be so far beyond the resources of his private fortune, that it must have been raised with the aid of money received from the enemies of his country; and the marriage of his daughter to the duke of York was attributed to his desire of becoming the father of a race of monarchs; a desire which had moreover led him to introduce to the royal bed a princess incapable of bearing children, that the crown might descend to the issue of the duchess.[3] The latter charge was not only circulated in public, but insinuated to Charles himself, together with the information that the Convention parliament would have settled a much more ample revenue on the crown, had not its liberality been checked by the jealousy or the presumption of Clarendon.[4] If the king appeared to listen to these suggestions, he still refused to believe that the chancellor had been unfaithful to his trust in any point of importance; but he was daily beset by Buckingham, Arlington, Sir William Coventry, and Lady Castlemaine, who represented to him the discontent of the nation, the power of the chancellor's enemies, and the probable consequences of an impeachment in parliament; and he at last informed that minister, through the duke of York, that he expected him to resign, as an expedient by which he might at the same time save himself from prosecution, and spare his sovereign the pain of taking his office from him.

But the pride of Clarendon scorned to bend to the storm; and consciousness of innocence urged him to brave the malice of his enemies. He waited

[1] Clarendon, 361. Life of James, i. 428. Macpherson, 35, 37.

[2] Clarendon, 434. Pepys, iii. 270, 287, 288, 292. Carte, ii. 347, 349.

[3] "How far this jealousy may have entered into the king himself, to make him more easily part with his minister, I leave it for others to guess."—Life of James, i. 393. Burnet, i. 435.

[4] "Some have thought, not improbably, that this remissness of his proceeded from a jealousy that the king was inwardly inclined to popery."—Life of James, i. 393. On the contrary, it is said by Sir William Coventry, that it proceeded from an overweening opinion of his own influence, "that he could have the command of parliaments for ever."—Pepys, iv. 276.

on the king, and avowed his determination not to resign—it would amount to a confession of guilt; expressed a hope that the seal would not be taken from him—it would prove that his sovereign was dissatisfied with his services; and conjured him to disbelieve the suggestions of Lady Castlemaine—for she was an angry and vindictive woman. After a conference of two hours, he retired, leaving the king disappointed by his obstinacy and offended by his allusions to "the lady." The duke of York pleaded strongly in behalf of his father-in-law. But he himself was no longer in favour; the influence of the brother yielded to that of the mistress; and the chancellor received a positive order by Morrice to surrender the great seal, which was delivered to Sir Orlando Bridgeman, chief justice of the Common Pleas.[1]

In six weeks, the parliament assembled. Buckingham had previously been restored to his place in the council and the bedchamber; and Bristol, issuing from his retirement, had appeared again at court. To an address of thanks from the two houses for the removal of the chancellor, the king replied, by promising never more to employ him in any capacity whatsoever. It may be that by this promise he hoped to satisfy the enemies of Clarendon; but they argued that the fallen statesman might, on some future day, recover the favour of his sovereign, or be restored by his son-in-law, should that prince succeed to the throne; their personal safety demanded precautions against his subsequent revenge; and, to consummate his ruin, it was resolved to proceed against him by impeachment. Seventeen charges were fabricated in a committee of the lower house, imputing to him venality and cruelty in the discharge of his office of chancellor, the acquisition by unlawful means of enormous wealth, the sale of Dunkirk to France, the disclosure of the king's secrets to his enemies, and the design of introducing a military government without the intervention of parliament. Nothing, however, could be more informal than the proceedings on this occasion. No papers were ordered, no witnesses were examined; the several charges were adopted on the credit of members, who engaged to produce proof whenever it might be deemed necessary; and the Commons in a body impeached Clarendon at the bar of the house of Lords of high treason, and other crimes and misdemeanors, requesting, at the same time, that he might be committed to custody till they should exhibit articles against him.[2]

It is probable, that from the absence of the duke of York (he was confined to his chamber by the small-pox) the enemies of Clarendon had promised themselves an easy victory. But the duke commissioned his friends to defend his father-in-law; the bishops felt themselves bound to support him as the patron of orthodoxy; and several peers, convinced of his innocence, cheerfully seconded their efforts. They did not, indeed, dare openly to advocate his cause, but they intrenched themselves behind forms and privileges; they contended that

[1] Clarendon, 422—425, 427, 435—440. Life of James, i. 427—429. Macpherson Pap. 138. Pepys, iii. 332, 336. Pepys tells a laughable story of Castlemaine, who, when she heard about noon that Clarendon had left the king after their interview, leaped out of bed, and ran into the aviary, that she might observe his countenance as he passed (334). Bridgeman was unfortunate in his promotion. Afraid of deciding wrong, he laboured to please both sides, and always gave something to each of the contending parties in his court. He forfeited his reputation.—North's Lives, &c. i. 179.

[2] C. Journals, Nov. 6, 8, 11. State Trials, vi. 330. Clarendon, 445—448, 450. Life of James, i. 431. Pepys, iii. 410, 411, 420.

to commit on a general charge was contrary to ancient practice; that the first precedent in its favour was furnished by the impeachment of the earl of Strafford, a precedent which the house would not follow, because the attainder had been reversed, and the proceedings erased from the journals; and they maintained that the Lords ought to be careful how they sanctioned a pretension, which might prove in future times prejudicial to them and their posterity. After several animated debates, it was twice resolved, by a small majority, that the accused should not be committed, because no specific charge was contained in the impeachment.[1]

The Commons resented this decision of the Lords; conferences were repeatedly held, and each house pertinaciously adhered to its former opinion. The king's perplexity daily increased. He observed that the proceedings began to take the same course as in the impeachment of the earl of Strafford; and the calamities which followed the condemnation of that nobleman stared him in the face. He proposed, as an expedient, that the earl should clandestinely leave the kingdom; but no argument, no entreaty, could prevail on Clarendon to take a step which he deemed derogatory to his character; and the monarch, irritated by his obstinacy, began to speak of him in terms of aversion. His enemies now ventured to make use of the royal name. It was rumoured that the king had also offences to punish; that Clarendon, to thwart him in his amour with the beautiful Miss Stewart, had persuaded her to marry the duke of Richmond. The earl, in a letter which he sent by the lord keeper, denied this charge;[2] the king read it, burnt it deliberately in the flame of a candle, and coolly replied, that he was unable to understand its contents, but wondered what Clarendon was doing in England.[3]

This hint, however, was lost on the determined mind of the fallen minister. It was followed by an unavowed message delivered by the bishop of Hereford; the same advice was then urged by the French ambassador, and, when every other expedient had failed, the duke of York, by express command, carried to him a royal order to retire to the continent. He reluctantly obeyed; and, having addressed a vindication of himself to the house of Lords, secretly withdrew to France.[4]

His departure put an end to the quarrel between the two houses,[5] but

[1] Clar. 450. L. Journ. 135—137. Pepys, iii. 415. Clarendon, in a letter to Ormond, says, "I must not omit to tell you that the duke of York hath been, and is, as gracious to me, and as much concerned for me as is possible. I have not many other friends to brag of."—Carte, ii. App. 38.

[2] In this letter he intimated an intention of going beyond the seas, but made it a condition that the king should first put a stop to the impeachment.—Clarendon, Cont. 455.

[3] Clarendon, 454—456. Life of James, i. 432. L. Journ. 154. That Charles was offended with the marriage is certain.—Clar. 453. If we may believe Stewart herself, she wished to marry to relieve herself from his importunities, and therefore accepted the offer of the duke of Richmond with the king's acquiescence.—Pepys, iii. 203. But the report was, that Charles thought of her for his own wife, that he consulted Sheldon, archbishop of Canterbury, on the means of procuring a divorce; that Sheldon revealed the secret to Clarendon, and that Clarendon, to secure the succession to his daughter's issue, brought about the marriage of Stewart with the duke of Richmond.—Burnet, i. 436. Lord Dartmouth's Note, 438. Pepys, iii. 293. It makes against this story, that, when a divorce was suggested afterwards to Charles, he replied that his conscience would not permit it.—Life of James, i. 439.

[4] It is certain that the duke took the order to Clarendon; yet Lord Cornbury says, that his father withdrew, because it was intended to dissolve the parliament, and try him by a jury of peers.—Carte, ii. App. 39.

[5] The Commons, however, entered two resolutions on their journals, that in such cases the accused ought to be secured, and that, when he is in custody, the Lords may

did not satisfy the resentment or the apprehension of his enemies. His vindication was voted a scandalous and seditious libel, and ordered to be burnt by the hands of the common hangman. In it he had stated, that he had withdrawn only for a time; and would return to prove his innocence, whenever he saw a likelihood of justice having its course, "uncontrolled by the power and malice of men who had sworn his destruction." His enemies pounced on this passage, and, under pretence of holding him to his word, introduced a bill, which, after a feeble opposition, was passed, ordering him to surrender for trial before the first of February, and, in default of appearance, banishing him for life, disabling him from holding office, subjecting him to the penalties of high treason, if he returned to England, and rendering him incapable of pardon unless by act of parliament.[1] Clarendon, the moment he heard of this enactment, hastened from Rouen to meet his accusers, but was detained at Calais by a dangerous illness, the consequence of fatigue of body and anxiety of mind. Before he could leave his bed, the allotted term had expired, and he thus became, without the possibility of preventing it, an exile for life.[2]

Notwithstanding this severity, it is certain that he fell a victim to the hostility of party. The charges against him were not supported by any lawful proof, and most, if not all, were satisfactorily refuted in his answer.[3] Yet he must not be considered an immaculate character. His dread of republicanism taught him to advocate every claim of the prerogative, however unreasonable, and his zeal for orthodoxy led him to persecute all who dissented from the establishment. He was haughty and overbearing; his writings betray in many instances the faithlessness of his memory, or his contempt for veracity; and his desire of amassing wealth provoked Evelyn to remark of him, that "the lord chancellor never did, nor would do, any thing but for money."[4] In exile he spent most of his time at Montpelier and Moulins, relieving with literary composition the tedium of banishment, and soliciting repeatedly permission to revisit his native country, that he might breathe his last in the company of his children. But Charles, who felt no inclination to engage in a new contest for the sake of a man who had long ago forfeited his esteem, treated these prayers with neglect; and the unfortunate exile, whom hope had brought back to Rouen in Normandy, died there in 1674.[5]

By the exile of Clarendon, the ministry which had been established at the restoration was entirely dissolved. The duke of Ormond resided in his government of Ireland, Southampton was dead, Albemarle incapacitated by age and infirmity, and Nicholas had resigned. The new cabinet, or, as it was called in the language of the time, "the king's cabal,"[6] consisted of the duke of Buckingham, who held no ostensible office till he purchased that of master of the horse from Monk; of Sir Henry Bennet, now

limit a time within which the particular charge may be specified.—C. Journ. Dec. 5.

[1] L. Journ. 154, 157, 162, 167, 169. St. of Realm, 628.

[2] Life of Clarend. 355, et seq.

[3] Clarendon, 478.

[4] See Historical Inquiry respecting the character of Clarendon, by the Hon. George Agar Ellis, 1827.

[5] Supp. to Clar. Pap. iii. xliv. xlv. Wood, Athen. Oxon. ii. 1024.

[6] Pepys, iv. 243. The word "cabal" at this period meant a secret council. See the Diaries of Pepys and Evelyn, and Whitelock (p. 477), as early as the year 1650. By d'Estrades the present ministers are called "la caballe d'Espagne."—D'Estrades, v. 39. The whole council was divided into three committees; one for foreign affairs, the real cabal; another for military and naval affairs; a third for trade; and a fourth for the redress of grievances (Jan. 31).

Lord Arlington, principal secretary of state; of the lord keeper Bridgeman; and of Sir William Coventry, one of the commissioners of the treasury.[1] Of these, Coventry, by his superior information and abilities, excited the jealousy of his colleagues, but unfortunately possessed not the art of pleasing the king, who, from his habit of predicting evil, gave him the name of "the visionary." Buckingham and Arlington were bitter enemies at heart, though the necessity of their situation made them apparent friends. Bridgeman was consulted for convenience. Hitherto he had acquired no particular claim to the favour of the monarch or the confidence of the people.

The rapid conquests of the French king in Flanders, during the last summer, had drawn the eyes of Europe towards the seat of war in that country. The pope, Clement IX., through pity for the young king of Spain, and the States, alarmed at the approach of the French arms to their frontier, offered their mediation. To both Louis returned the same answer, that he sought nothing more than to vindicate the rights of his wife; that he should be content to retain possession of the conquests which he had already made, or to exchange them either for Luxembourg or Franche-comté, with the addition of Aire, St. Omer, Douai, Cambrai, and Charleroi, to strengthen his northern frontier; and that he was willing to consent to an armistice for three months, that the Spanish government might have leisure to make its election between these alternatives. But Spain was not sufficiently humbled to submit to so flagrant an injustice; the time was sullenly suffered to pass by, and the mediators renewed their instances to obtain from Louis a prolongation of the armistice for the additional space of three months. He consented to abide by his former offer during that term; but refusing the armistice, overran in the mean time the whole province of Franche-comté, for the sole purpose, as he pretended, of compelling Spain to come to a decision.[2]

If it was the interest of England, it was still more the interest of the States, to exclude France from the possession of Flanders. Under this persuasion, Sir William Temple, the resident at Brussels, received instructions to proceed to the Hague, and sound the disposition of De Witt; and, on his return to London, was despatched back again to Holland with the proposal of a defensive alliance, the object of which should be to compel the French monarch to make peace with Spain on the terms which he had previously offered.[3] The States were embarrassed. On the one hand, they considered the interposition of the Spanish Netherlands as the great bulwark of their independence against the superior power of France; on the other, they hesitated to engage in a dangerous war against an ancient friend and ally at the advice of a prince whom they had hitherto considered their personal enemy. But Temple acted with promptitude and address: he appealed to their fears; he represented the danger of delay; and, contrary to all precedent at the Hague, in the short space of five days—had the constitutional forms been observed, it would have demanded five weeks—he negotiated three treaties, which

[1] Southampton, the lord treasurer, died May 16, 1667, and June 1st the treasury was put into commission. The commissioners were the duke of Albemarle, Lord Ashley, Sir Thomas Clifford, Sir William Coventry, and Sir John Duncombe. Bennet was made secretary of state on Oct. 2, 1662.

[2] Œuvres de Louis XIV. ii. 326, 334, 344—355; v. 419.

[3] See his instructions in Courtenay's Life of Temple, ii. 331, 344.

promised to put an end to the war, or, if they failed in that point, to oppose at least an effectual barrier to the further progress of the invader. The first was a defensive alliance, by which the two nations bound themselves to aid each other against any aggressor with a fleet of forty men-of-war, and an army of six thousand four hundred men, or with assistance in money in proportion to the deficiency in men; by the second, the contracting powers agreed by every means in their power to dispose France to conclude a peace with Spain on the alternative already offered, to *persuade* Spain to accept one part of that alternative before the end of May, and, in case of a refusal, to *compel* her by war, on condition that France should not interfere by force of arms. These treaties were meant for the public eye: the third was secret, and bound both England and the States, in case of the refusal of Louis, to unite with Spain in the war, and not to lay down their arms till the peace of the Pyrenees were confirmed. On the same day the Swedish ambassadors gave a provisional, and afterwards a positive assent to the league, which from that circumstance obtained the name of the triple alliance.[1]

Louis received the news of this transaction with an air of haughty indifference. His favourite commanders, Condé and Turenne, exhorted him to bid defiance to the interference of the three powers; his cabinet ministers to be content with the alternative which he had himself proposed. He assented to the advice of the latter; but for a reason of which they were ignorant. In consequence of the infirm state of Charles II. of Spain, he had secretly concluded with the emperor Leopold an "eventual treaty;" so called, because it was made to depend on a distant, but not improbable *event*,—the death of the

[1] Temple's Works, i. 312—384, 415. Dumont, vii. 66, 68, 91. Much praise has been lavished on this negotiation, as if it had arrested Louis in his career of victory, and preserved the independence of Europe; but, in fact, it accomplished nothing more than the French king had offered, and was desirous to effect. The terms which the triple alliance sought to enforce were those which Louis had already offered (D'Estrades, vi. 46), as is admitted by the treaty itself, which, having mentioned the offer, binds the contracting parties to prevail on the sæpius dictas duas coronas ad ineundam pacem legibus et conditionibus supra memoratis.—Dum. vii. 68. Whence the English king, in a letter to his sister, the duchess of Orleans, says, "The effect of the treaty is to bring Spain to consent to the peace upon the terms the king of France has avowed he will be content with; so as I have done nothing to prejudice France in this agreement" (Jan. 23): and in another letter to Louis, "En quoi je ne dois croire vous avoir fait une chose désagréable, puisque nous nous sommes convenus de vous proposer ladite paix sur des conditions, que vous aviez plusieures fois témoigné de vouloir accepter, et plus expressément dans votre dernière lettre du 27 (17, O.S.) du mois passé" (Feb. 3).—Dalrymple, ii. 5, 6. In that letter, to which Charles refers,—a letter written after the conclusion of the alliance, but before that conclusion could be known to Louis, he says, "Ce seroit un coup pour la paix, qui la rendroit infallible et prompt, si le roi de la Grand Bretagne entroit dans le méme sentiment des états généraux d'obliger les Espagnols à l'acceptation des deux alternatives."—Œuvres, v. 421.

Mr. Macaulay, in a critique on the foregoing note (Critical and Historical Essays, iii. 39), pronounces it unreasonable and ridiculous to suppose that Louis would have held himself bound by his former offers, if he had not been compelled by the triple alliance. To me, however, there appears good reason to suppose that he would have held himself so bound even if the triple alliance had never existed; because he must otherwise have abandoned all hope of those splendid advantages which he had expected to derive from the eventual treaty, and have looked forward to find in Leopold no longer a most valuable ally, but an injured and formidable foe. When, therefore, the Spanish king had made his election between the two alternatives prescribed by Louis, Louis himself would be reduced to the necessity of making also his election between two alternatives—the restoration of his recent conquests, or the dissolution of his league with the emperor. There can be little doubt that in such case his prepossession in favour of the eventual treaty would induce him to consider the restoration of Franche-comté as the lesser evil of the two, and thus hold him faithful to the promises which he had originally made.

king of Spain without male issue to succeed him. Its object was to regulate, in that case, the partition between Leopold and Louis of the Spanish monarchy, with its numerous dependencies in the four quarters of the globe. Every question concerning their respective portions of this splendid inheritance was satisfactorily adjusted, and the treaty itself signed on the 19th of January, at a time when neither of the contracting parties could have been informed of Temple's proceedings at the Hague. It was, moreover, agreed between them, that Leopold, as head of the house of Austria, should prevail on Charles to make his choice of one of the alternatives already proposed by Louis, and that Louis on his part should abide by his previous offer, and should advance no additional claim in virtue of any conquest which his armies had subsequently made.[1]

The marquess of Castel-Rodrigo, the Spanish governor of the Netherlands, sought delay, under the vain hope of inducing the Dutch (of England he was secure) to engage at once in the war. But the intervention of the emperor, in consequence of the eventual treaty, put an end to the hesitation of the Spanish cabinet; the ambassadors of the several powers met at Aix-la-Chapelle; Spain made her choice; the conquered towns in Flanders were ceded by her to Louis, and peace was re-established between the two crowns.[2] The conduct of Charles during the whole of this transaction served to raise him in the estimation of Europe. But the States could ill dissemble their disappointment. They never doubted that Spain, with the choice in her hands, would preserve Flanders, and part with Franche-comté. It was this persuasion that induced them to refuse the first project of the English ministry, and to prefer the binding of Louis to his offer of the alternative. The result was owing, it is said, to the resentment of Castel-Rodrigo, who, finding that the States would not join with England to confine France within its ancient limits, resolved to punish them by making a cession, which brought the French frontier to the very neighbourhood of the Dutch territory.[3]

When the parliament assembled after the adjournment, Buckingham discovered that his success against Clarendon in the last session had proceeded, not from his own influence, but the unpopularity of that statesman. His immediate dependents in the lower house were heard without attention; and in the higher the jealousy of the churchmen had been awakened by his close connexion with the Presbyterians, that of the Cavaliers by his discharge of the republicans, whom the late administration had incarcerated as a measure of precaution. Neither did it add to the reputation of the prime minister, that his profligacy had led him, for the sake of Lady Shrewsbury, with whom he lived in open adultery, to fight a duel, in which one of his seconds was killed on the spot, and the earl of Shrewsbury, the injured husband, was mortally wounded.[4] The Commons began by instituting a rigid inquiry into the conduct of persons

[1] Œuvres de Louis, ii. 360—372. See the account of the "eventual treaty," which was kept secret for almost a century, in the Works of Louis, vi. 402.

[2] Temple, 420—456. D'Estrades, v. 351. Dumont, vii. 89, 91. Louis, vi. 417.

[3] Temple, 414—417.

[4] Pepys, iv. 15. Lady Shrewsbury was daughter to the earl of Cardigan. Report said that, in the dress of a page, she held the duke's horse while he was fighting with her husband. When Buckingham took her to his own house, the duchess observed to him, that it was not for her and his mistress to live together: he replied—"Why so I have been thinking, madam, and therefore have ordered your coach to carry you to your father's."—Pepys, 109.

employed under the former administration. Prince Rupert and the duke of Albemarle had already furnished narratives of their proceedings during the war; commissioner Pett was impeached of culpable neglect in the care of his majesty's ships when the Dutch entered the river; Penn of the embezzlement of prize goods to the value of one hundred and fifteen thousand pounds; and Brunkhard, who had absconded, was expelled the house for his presumption in having ordered sail to be slackened during the pursuit after the victory of the 3rd of June, 1665. To these proceedings Buckingham had no objection; but, to his surprise, the Commons voted only one-half of the sum which he demanded under the head of naval expenses, and obstinately resisted all his efforts to obtain some favour for the dissenters, in accordance with the wish of the sovereign. The Conventicle Act would expire within six months; and Charles, who still felt himself bound by the declaration of Breda, was anxious to prevent its renewal. Aware of the rock on which his former endeavours had split, he was careful to make no mention of the Catholics: he confined his request of indulgence to the dissenters among his Protestant subjects; but the very report of his intention had awakened the usual cry that the church was in danger; on the morning, just before he expressed his wish to the two houses, the Commons voted an address to him, to put in execution all the laws against nonconformists and papists; and afterwards, a bill was passed and sent to the Lords, having for its object to continue the existing penalties against the frequenters of conventicles. This, however, did not prevent the friends of toleration from proposing, in conformity with the royal suggestion, measures for the comprehension of Protestant dissenters; but the motion, after several adjourned debates, was negatived, on a division, by a majority of more than two to one.[1]

The remaining business in parliament was now interrupted by a most violent quarrel between the two houses, on a question of privilege. Several years had passed since Skinner, a private trader, preferred to the king in council a complaint of divers injuries which he alleged that he had suffered from the agents of the East-India Company. After several hearings, the council commissioned the archbishop of Canterbury, the chancellor, and two other lords, to effect a compromise between the parties: but the company refused to abide by their decision, and the king was advised to recommend the case to the attention of the house of Lords, as the supreme court of judicature in the nation. But the opponents of Skinner objected to the jurisdiction of the Lords. The cause, it was maintained, did not come before them by way of appeal, or bill of review, or writ of error. It was an original complaint, which must be first heard in the ordinary courts of law. In the following session, Skinner petitioned the Lords for redress; the company renewed their objection; but the house pronounced the complainant entitled to damages, and appointed a committee to assess the amount. After the adjournment, the company petitioned the house of Commons for protection against the usurpation of the Lords. By the upper house this petition was voted a scandalous libel; the lower not only received it, but passed resolutions censuring the conduct of the Lords as contrary to law, and derogatory from the rights of the subject. They were met with opposite resolutions from the upper house, declaring the

[1] Pepys, iv. 34. C. Journals, Ap. 23. Parl. Hist. iv. 413—422.

votes of the Commons a breach of privilege; and the proceedings of the Lords warranted both by law and precedent. Thus open war was declared; each house obstinately maintained its own pretensions; the Lords resolved to pass no other bill than that of the supply; and the Commons rejected a bill which had been sent to them for the regulation of the trials of peers. By the king, the 9th of May had been fixed for the conclusion of the session. Early in the morning the Commons sent a message to the Lords, proposing a suspension of all proceedings in the cause till the next meeting of parliament, and having received no answer, resolved that whosoever should put in execution the orders or sentence of the house of Lords in the case of Thomas Skinner, should be deemed a traitor to the liberties of Englishmen, and an infringer of the privileges of the house of Commons. The king, having given the royal assent to the bills which were prepared, ordered the two houses to adjourn, and expressed a hope that, before he should meet them again, some expedient might be discovered for the accommodation of this difference. The Commons obeyed; but the Lords continued to sit, called before them Sir Samuel Barnardiston, the governor of the company, and committed him to the custody of the black rod, till he should have paid to the king a fine of three hundred pounds. Having thus vindicated their authority, they also adjourned.[1]

At the restoration of peace, trade quickly returned into its ancient channels; the murmurs of discontent were gradually hushed; and the expiration of the Conventicle Act afforded relief and satisfaction to the dissenters. The present proved the most tranquil period of the king's reign, but it was disgraced by the extravagance and licentiousness of the higher classes. The gallants of the court shocked the more sober of the citizens by their open contempt of the decencies of life,[2] while Charles laughed at their follies, and countenanced them by his example. At the same time that he renewed his visits and attentions to the duchess of Richmond, he robbed the theatres of two celebrated actresses, known to the public by the dignified appellations of Moll Davies and Nell Gwynne. Davies had attained eminence as a dancer—Gwynne attracted admiration in the character and dress of a boy. The former received a splendid establishment in Suffolk-street, and bore the king a daughter, afterwards married into the noble family of the Radclyffes. The latter became the mother of the first duke of St. Alban's. Charles never allowed her to interfere in matters of state; but he appointed her of the bed-chamber to the queen, and assigned her lodgings in the neighbourhood of the court. She was so wild, and witty, and eccentric, that he found in her company a perpetual source of amusement, a welcome relief from the cares that weighed so heavily upon him at times in the subsequent years of his reign. Habit, however, still preserved to Castlemaine the empire which she had formerly acquired. She suppressed all appearances of jealousy, and sought her revenge by allowing to herself the same liberty in which her paramour indulged.[3]

While Charles pursued his plea-

[1] St. Trials, vi. 710—763. L. Journ. xii. 420, 427. Parl. Hist. iv. 423. Marvell, 109. On the 8th of May the Commons sat on this question from dinner-time till five the next morning.—Marvell, i. 107. Pepys, iv. 103. Barnardiston remained in custody till the night of August 10, the day before the expiration of the adjournment. By whose authority he was discharged he did not know.—Parl. Hist. iv. 431.

[2] See Pepys, iv. 116, 118, 145. Sir Charles Sedley and Lord Buckhurst distinguished themselves above others.—Ibid. 185, 186, 187. Ant. Wood, Autobiog. June, 1663.

[3] Pepys, iv. 10, 14, 90, 111, 223, 250. Evelyn, ii. 339. Burnet, i. 457. Sandford,

sures, Buckingham sought to consolidate his own power. By degrees he weeded all of whose fidelity he was suspicious out of the different departments of the administration. Secretary Morrice was exchanged for Sir John Trevor; the duke of Ormond, after a long struggle, surrendered the government of Ireland to the Lord Robartes; and Coventry himself was provoked to furnish a decent pretext for his dismissal. Buckingham had procured a farce to be written for the purpose of ridiculing him on the stage. Coventry sent the duke a challenge; the matter was laid before the king in council; and the challenger was sent to the Tower, and deprived of office. But the principal person against whom he directed his attacks, was the duke of York. He was aware of the contempt which that prince expressed for his character, and of the influence exercised by the duchess, Clarendon's daughter, over the mind of her husband. James received repeated affronts in the name of the king, which he bore without complaint. The conduct of the Admiralty was blamed; his friends were displaced; and the dependents of his adversary were introduced into his office in defiance of his remonstrances. It was rumoured that he had lost the royal confidence, and would soon be deprived of his place of lord high admiral. But Charles was recalled to a sense of the protection which he owed to his brother, by the boldness of an old Cavalier, Sir William Armourer, who told him publicly of the reports in circulation respecting his jealousy of the duke of York. He instantly replied that they were false; and when Buckingham, under pretence of fear for his life from the resentment of James, affected to travel surrounded by armed men, the king laughed in his face at the utter folly of the insinuation. The minister began to feel alarm; he turned round to solicit a reconciliation with the duke, and received a contemptuous refusal.[1]

Buckingham, however, might depend on the royal favour as long as he could supply the king with money. That nothing was to be obtained from the liberality of the parliament, had been proved by the proceedings in the last session; and an attempt was therefore made to reduce the annual expenditure below the amount of the royal income. On examination, it was found that the yearly receipts did not exceed one million and thirty thousand pounds; by a new regulation, three-fourths of this sum were allotted to defray the expenses of the civil list; and of the remaining fourth, one hundred thousand pounds was appropriated to discharge the interest of the debt, the remainder to cover accidental deficiencies, and to pay, as far as it would go, the several pensions granted by the king.[2]

But this plan of economy accorded not with the royal disposition, nor did it offer any prospect of extinguishing the debt. Charles remembered the promise of pecuniary assistance from France in the beginning of his reign; and, though his previous efforts to cultivate the friendship of Louis had been defeated by an unpropitious course of events, he resolved to renew

652, 654. About this time, May 11, a meteor was seen, and the ignorance and bigotry of the people are amusingly described by Pepys on the occasion. "The world do make much discourse of it, their apprehensions being mighty full of the rest of the city to be burned, and the papists to cut our throats" (iv. 112).

[1] Life of James, 432—440. Macph. Pap. i. 41, 43, 45, 47, 50. Pepys, iv. 151, 155, 158, 188, 191, 192, 195, 246, 249, 255, 257, 362. The reports mentioned by Pepys are confirmed by the duke of Ormond: "Arlington told me that I joined too much in my counsels and conversation with men unsatisfied; and (which I wondered at) he named the duke and the archbishop of Canterbury."—Carte, ii. App. 67.

[2] See it at length in Ralph, i. 175.

the experiment. Immediately after the peace of Aix-la-Chapelle, Buckingham opened a negotiation with the duchess of Orleans, the king's sister, in France, and Charles, in his conversation with the French resident, apologized for his conduct in forming the triple alliance, and openly expressed his wish to enter into a closer union, a more intimate friendship, with Louis. These overtures were at first received with coldness and reserve, which, instead of checking, seemed to stimulate the ardour of the king. There was one point in which both monarchs most cordially agreed, —their hatred of the Dutch. Charles could not forget their inhospitality during the time of his exile; the unsuccessful termination of the late war had strengthened his dislike; and he ardently wished for the opportunity of gratifying his revenge. On the other hand, the pride of Louis had often been offended by the pride of these republicans; and their presumption in acceding to the secret articles in the triple alliance was deemed by him the strongest proof of their ingratitude. About the end of the year the communications between the two princes became more open and confidential; French money, or the promise of French money, was received by the English ministers; the negotiation began to assume a more regular form, and the most solemn assurances of secrecy were given, that their real object might be withheld from the knowledge, or even the suspicion, of the States.[1]

In this stage of the proceedings, Charles received an important communication from his brother James. Hitherto that prince had been an obedient and zealous son of the church of England; but Dr. Heylin's History of the Reformation had shaken his religious credulity, and the result of the inquiry was a conviction that it became his duty to reconcile himself with the church of Rome. He was not blind to the dangers to which such a change would expose him; and he therefore purposed to continue outwardly in communion with the established church, while he attended at the Catholic service in private. But, to his surprise, he learned from Symonds, a Jesuit missionary, that no dispensation could authorize such duplicity of conduct; a similar answer was returned to the same question from the pope; and James immediately took his resolution. He communicated to the king in private that he was determined to embrace the Catholic faith; and Charles, without hesitation, replied that he was of the same mind, and would consult with the duke on the subject in the presence of Lord Arundell, Lord Arlington, and Arlington's confidential friend, Sir Thomas Clifford. Of these three, the first was a known Catholic; the other two had hitherto professed themselves Protestants, but more for fashion's sake, than through any real attachment to the reformed creed. They, like most others in the higher circles of society at that period, had, in the language of James, "their religion still to choose."

The meeting was held in the duke's closet. Charles, with tears in his eyes, lamented the hardship of being

[1] See the papers in Dalrymple, ii. 4—21. They are all published as referring to the same subject. But this is a mistake. The letters of Feb. 27, 1669, in p. 4, and of Jan. 19, 1669, in p. 19, ought to be dated in 1668, and that of Feb. 9, 1669, in p. 21, in the year 1668. This is evident from their contents. Also Macpherson, i. 58. The secret, however, was not kept. For the sole information of the king of Sweden, Puffendorf, his agent, was permitted by Turenne to read a letter from Colbert, the ambassador in England, who boasted of his success, adding that he had made some of the leading ministers to feel, sentir tout l'etendue de la liberalité de sa majesté. This Puffendorf communicated to De Witt. —Temple, ii. 40.

compelled to profess a religion which he did not approve, declared his determination to emancipate himself from this restraint, and requested the opinion of those present, as to the most eligible means of effecting his purpose with safety and success. They advised him to communicate his intention to Louis, and to solicit the powerful aid of that monarch.[1]

Here occurs a very interesting question,—was Charles sincere or not? That of the two churches he preferred the more ancient, there can be no doubt. Both the duke of Ormond and Daniel O'Neil had seen reason to suspect him of a secret leaning towards the Catholic worship about the time of the conferences at the Pyrenees; and he had recently avowed the same to Arlington and Clifford.[2] But the king's religious belief was of his own creation. To tranquillize his conscience, he had persuaded himself that his immoralities were but trifling deviations from rectitude, which a God of infinite mercy would never visit with severity; and as for speculative doctrines, the witty and profligate monarch was not the man to sacrifice his ease and to endanger his crown for the sake of a favourite creed. He was the most accomplished dissembler in his dominions; nor will it be any injustice to his character to suspect, that his real object was to deceive both his brother and the king of France. In his next letter to his sister Henrietta, he informs her that the duke had been brought into "the business on the score of religion," and he openly told her at Dover, that "he was not so well satisfied with the Catholic religion, or his own condition, as to make it his faith."[3]

Now, however, the secret negotiation proceeded with greater activity; and Lord Arundell, accompanied by Sir Richard Bellings,[4] hastened to the French court. He solicited from Louis the present of a considerable sum, to enable the king to suppress any insurrection which might be provoked by his intended conversion, and offered the co-operation of England in the projected invasion of Holland, on the condition of an annual subsidy during the continuation of hostilities. To these proposals no direct objection was made; and the discussion turned chiefly on one point, whether the declaration of the king's Catholicity should precede or follow the declaration of war.

James, with all the fervour of a proselyte, urged his brother to publish his conversion without delay. War, by creating a want of money, would render him dependent on the bounty of parliament; but now he was his own master; the army was loyal, all the governors of garrisons were attached to his person; the sufferings of the non-conformists from the intolerance of the established church would teach them to look on any change as a benefit; and within the pale of the establishment itself there were numbers who had no set-

[1] James, i. 440. Dalrymple, ii. 22. Mackpher. i. 50, 52. See also the Travels of Cosmo for the orthodoxy of James, 456.

[2] Carte's Ormond, ii. 254. James, i. 441. That he was a stanch Protestant in 1658 is evident from the papers in Thurloe, i. 740—745; but in 1669, the author of Cosmo's Travels remarks, that though he "observes with exact attention the religious rites of the church of England, there is reason to believe that he does not entirely acquiesce, and that he may perhaps cherish other inclinations" (456).

[3] Dalrymple, i. 226; ii. 22. From the expression noticed above, and the duke's subsequent assertion to Barillon, that, in the first treaties between Charles and Louis, il n'avoit fait qu'obeir et se conformer aux volontés du Roi (ibid. 269), I infer that at first James did not approve of the money treaties between the two monarchs.

[4] Bellings had been secretary to the Catholic confederacy in Ireland, and since the restoration had been confidentially employed by Clarendon in several foreign negotiations. On this occasion he was instructed to draw the articles of the treaty.—James, i. 442.

tled notions of religion, but were ready to fashion their creed by their convenience.

Louis, on the contrary, represented to the king, that a premature declaration might endanger his crown and his person; that nine-tenths of his subjects were hostile to the Catholic faith; that religious discord acted with the fury and the rapidity of a volcano; that insurrection was to be expected in the capital and in every part of his dominions, and that his army was too small, his friends were too few, to countenance the hope of his being able to suppress his opponents. Charles made but a faint endeavour to refute this reasoning. The attempt, he acknowledged, wore the appearance of madness, yet there were reasons to think that it might succeed. In these discussions, the year passed away. At Christmas the king publicly received the sacrament; the absence of James, who had been accustomed to accompany his brother, though it did not escape notice, awakened no suspicion.[1]

After repeated adjournments, the parliament had been suffered to meet in October. The Commons immediately revived the quarrel with the Lords respecting the case of Skinner. They ordered the printer of "The Grand Question concerning the Judicature of the House of Lords" to be prosecuted, voted that Barnardiston had behaved like a good commoner of England, and passed a bill, vacating the judgment pronounced against him, as contrary to law and the privileges of parliament. It was immediately rejected by the Lords, who, on their part, passed a bill in vindication of their jurisdiction, which met with a similar fate in the Commons. For some time no farther communication took place between the two houses; and the king, to prevent a more violent rupture, put an end to the session by adjournment. The interval was spent by him in earnest endeavours to heal this misunderstanding; and when they met again, he recommended to both to erase all the proceedings out of their journals, and to abstain from the renewal of the question. They consented; in appearance each house was replaced in the same situation in which it stood before the quarrel; in reality the victory was gained by the Commons. By the erasures, the two judgments of the Lords were vacated, and since that moment their claim to original jurisdiction in civil causes has been silently abandoned.[2]

The public business now occupied the attention of parliament. 1. The expiration of the Conventicle Act had raised the hopes of the dissenters, and the lord-keeper and the chief justice Hales had been employed to draw an act of comprehension, by which the greater part of them might be incorporated with the establishment. On the one side, Wilkins, bishop of Chester, with Tillotson, Stillingfleet, and Burton; on the other, Bates, Manton, and Baxter, were consulted; and, to remove the chief stumbling-block,—the controversy respecting the validity of Presbyterian ordination, it was ingeniously proposed that the bishop in the form of re-ordination should make use of the words, "to serve as minister in any parish in England." But the agitation of the project threw the kingdom into a ferment. Parker and Patrick distinguished themselves by the warmth of their writings in support of orthodoxy, and Owen by his learning, Marvell by his wit, ranked at the head of their opponents. One party contended that to concede at all was to betray the cause of the church;

[1] Dalrymple, ii. 30—37. Life of James, i. 442. Macpher. i. 50.

[2] L. Journ. xii. 287, 291. Com. Journ. Feb. 22. Parl. Hist. iv. 431. St. Trials, vi. 763—770.

the other, that a comprehension of the dissenters offered the only sure expedient to check the diffusion of Socinianism and popery. The house of Commons did not degenerate from the zeal which it had displayed on so many former occasions. A bill for the suppression of conventicles was sent to the house of Lords, where it met with strong opposition from the duke of York and his friends, as well as from the Presbyterian peers; but Charles, though he had promised his protection to the non-conformists, deemed it prudent to interfere, and through his solicitations, this intolerant bill was suffered to pass. By it certain fines were enacted against all persons above sixteen years of age who should attend, and all ministers who should officiate, at any religious service different from that of the church of England, against the occupiers of the houses in which meetings for that purpose should be held, and against the magistrates who should neglect to enforce the provisions of the law.[1]

This act subjected the dissenters to a portion of those severities which had been so frequently inflicted on the Catholics. Spies and informers multiplied; the ministers found it necessary to abscond; houses were entered by force, and searched without ceremony; and the inmates were dragged to prison, and condemned to pay fines. That ease, of which the king was so fond, suffered repeated interruptions from complaints and appeals to his justice. When the non-conformists reminded him of his promise of indulgence, he acknowledged the hardship of their case, and checked the vigilance of the officers; when the magistrates remonstrated, that these religious meetings were hotbeds of sedition, he asked, why then did they not execute the law? and to the clergy who complained of the prevalence of sectarianism, he sarcastically replied, that it would never have been the case had they paid less attention to their dues and more to their duties. Among the sufferers none excited more admiration than the Quakers by their fearless adhesion to their principles. Disdaining the precautions taken by the other religionists, they proceeded, at the usual hour, openly but peaceably, to their meeting-house, and, being carried before the magistrates, refused to pay the fines, and were committed to prison. On their release, they returned to the place of meeting as if nothing had happened; the doors were closed; they assembled in the street; and Penn and Mead successively preached. But the auditory was soon dispersed; and the preachers were indicted before the lord mayor and recorder, on the charge of having created a riot. During the trial, the firm and temperate behaviour of the prisoners formed a striking contrast with the harsh and violent proceedings of the court. The jurors, having, after a confinement of thirty-six hours, returned a verdict of not guilty, were fined forty marks each, and committed to prison; and Penn and Mead, though acquitted, suffered the same punishment for contempt, in refusing to uncover their heads in presence of the court.[2]

2. The mind of Buckingham was

[1] St. 22 Car. II. c. i. Burnet, 449—451.

[2] Burnet, i. 471. Neal, c. viii. St. Trials, vi. 951—1036. Sewell, ii. 259—271. James, or perhaps the compiler of his life, tells us that "the rigorous church of England men were let loose, and encouraged underhand to persecute, that the non-conformists might be more sensible of the ease they should have when the Catholics prevailed." —Life, i. 434. Marvell, "that the lieutenancy of London alarmed the king continually with the fear of the conventicles, so that he gave them powers" (i. 420). It may be remarked that this is the last instance of a fine imposed on jurors under pretence that their verdict was contrary to evidence or the direction of the judge. One of the jurors brought the question before the court of Common Pleas, and the chief justice Vaughan decided in his favour.

still haunted with the apprehensions of revenge on the part of the late chancellor's family, if James were ever to ascend the throne. The reader will remember that a boy of the name of Crofts, the reputed son of the king by Lucy Barlow, had been placed for education at the Oratory in Paris. Soon after the restoration he came to England; Charles ordered him to conform to the established church, created him, by the advice of Bristol and Castlemaine, but in opposition to the remonstrances of the queen-mother and Clarendon, duke of Monmouth, and gave to him in marriage the countess of Buccleugh, the most wealthy heiress in Scotland.[1] Buckingham, observing the unbounded affection of the king for this young man, resolved to set him up as a competitor for the crown in opposition to the duke of York. It was confidentially whispered at court that Charles intended to own him for his successor, and the earl of Carlisle and Lord Ashley ventured to hint to the king, that if he were willing to acknowledge a private contract of marriage with the mother of Monmouth, it would not be difficult to procure witnesses who would confirm it with their testimony. The monarch replied without hesitation, that, "much as he loved the duke, he had rather see him hanged at Tyburn than own him for his legitimate son."[2]

Buckingham, though disappointed, was not discouraged. He often lamented the king's misfortune in being married to a woman whose repeated miscarriages proved that she would never bear him a successor to the throne. When he offered to steal her away, and convey her to some distant region, where she would be never heard of, Charles laughed at his folly; but he was listened to with greater attention when he suggested to the monarch to take another wife. He had already consulted lawyers and divines; and Burnet, afterwards bishop of Sarum, in an elaborate judgment, had decided that barrenness in the woman furnished in certain cases a lawful cause for polygamy or divorce.[3] Of the two, a divorce appeared preferable, as it offered less to shock the feelings of the public; but in cases of divorce no instance could be found of a subsequent legal marriage pending the lives of the parties. Buckingham, however, undertook to create a precedent. Lady Roos had long lived in adultery; she had been separated from her husband by a sentence of the ecclesiastical judge; and her children by her paramour had been declared illegitimate by act of parliament. A more favourable case could hardly be wished for; and a bill was introduced into the upper house, "to enable the Lord Roos to marry again." Its object instantly transpired; and the royal brothers exerted all their influence, the king to support, the duke of York to oppose, the bill. The latter did not only obtain the votes of his friends and dependents; but as the question involved a point of doctrine respecting the indissolubility of marriage, he was joined by all the bishops, with the exception of Cosins of Durham, and Wilkins of Chester,[4] by the Catholic peers, and by such of the Protestant peers as

[1] Clarendon, 205, 206, 207.

[2] Life of James, i. 437, 490. Macpher. i. 44. Burnet, i. 453. "As for the duke of Bucks," says Ormond, "I am confident he not only undervalues, but hates the king's person and his brother's, and has designs apart, if not aimed at the ruin of them both."—Carte, ii. 377.

[3] See Burnet, i. 454, note; and Higgons on Burnet, 232—243. The paper concludes thus: "I see nothing so strong against polygamy as to balance the great and visible imminent hazards that hang over so many thousands, if it be not allowed."

[4] Marvell adds Dr. Reynolds of Norwich, but it appears from the journals that he did not attend at all during this session.

deemed it proper to follow, on theological grounds, the opinion of the prelates. The second reading was carried only by a small majority: before the third, Charles adopted a measure to animate his friends, which surprised both the house and the nation. One morning he suddenly entered, took his seat on the throne, and desired the lords to proceed, as if he were not present, for he came only to renew a custom which his immediate predecessors had allowed to fall into desuetude, that of attending at their debates.[1] James, who saw the motive of his brother, was stimulated to still more active exertions; and, when the third reading was carried against him by a majority of two, entered his protest on the journals, in which he was followed by thirteen spiritual and fifteen temporal peers. Buckingham triumphed, and yet he gained nothing by the victory. He served a fickle and uncertain master, who changed his resolves according to the impulse of the moment. Charles had entertained with pleasure the project of divorce, as long as its accomplishment appeared distant; but when the effort was to be made, his sense of justice, perhaps his good-nature, assumed the ascendancy, and he refused to avail himself of the benefit to the prejudice of an unprotected and unoffending female. The precedent, however, has not been lost to posterity; and the permission to marry again, which was in this instance granted to Lord Roos, forms the authority for the similar permission which has since been regularly inserted in bills of divorce.[2]

3. There still remained the great object for which the parliament had been permitted to meet. Charles, in his speech at the opening of the session, had assured both houses that the rumours respecting the misapplication of the public money during the late war were entirely groundless, and that no part of the parliamentary grants had been diverted from its original destination, but that, in addition, considerable sums, taken partly from his standing revenue, and partly raised on his credit, had been devoted to the same purpose. He therefore requested them to consider the prejudice arising to the national interests from the pressure of an enormous debt, and to supply him with the means of satisfying his creditors. On this occasion he did not plead in vain. His assent to the act against conventicles was the price which he paid; and in return he obtained an additional duty on foreign wines and vinegar for eight years, and an act to advance the sale of fee-farm rents belonging to the crown. It was calculated that the first could furnish the king with fifty thousand pounds, the others with a much larger sum.[3]

[1] L. Journ. xii. 318. Evelyn, Diary, ii. 320. The king had previously consulted a learned antiquary, who replied that it was the custom for the sovereign to be present in parliament till the reign of Henry VIII.; that of Henry's attendance no proof could be found, whence it was probable that he had been induced to absent himself by the policy of Wolsey; that Henry's son Edward was prevented by his youth, his daughters Mary and Elizabeth by their sex; and that this disuse during four successive reigns was "the ill occasion of the contrary opinion and practice." It was therefore his opinion that the king had a right to be present in all consultations of state, and discussions of private plaint, "not only to advise and hear, but to determine also." Whether this right extended to capital cases he had his doubts; that it did to criminal cases, not of blood, was certain.—From the answer in manuscript in the collection of Thomas Lloyd, Esq.

[2] L. Journals, xii. 300, 306, 311, 328, 329. Life of James, i. 438, 439. Macpher. i. 48, 53. Burnet, i. 452—455. Marvell, i. 112, 412. From this period Charles generally attended the house. It proved some restraint on his opponents, and furnished him with the means of whiling away his time. "It was," he said, "as good as going to a play."—Marvell, 419.

[3] L. Journals, xii. 349. I may here notice that though the bankers paid only six per cent. interest on deposits in their hands, they now required from the king ten per

We may now resume the secret negotiation. It had been arranged that, while Louis with his queen made a progress through the territory lately ceded to him by Spain, the duchess of Orleans could pay a short visit to her brother Charles at Dover. It was hoped by the French king that she could induce him to depart from his intention of postponing the war against the States, till he had made the announcement of his conversion; her real object was to procure his permission to separate from her husband, and to fix her residence in England. Charles received her affectionately, and laboured to gratify her with presents and entertainments; but on both points he resisted her prayers and her reasoning; the French ambassador reluctantly consented to subscribe the treaty as it had been drawn by the English commissioners, and Henrietta, with a heavy heart, returned to her state of splendid misery in the court of France.[1]

Of this treaty, thus at length concluded, though much was afterwards said, little was certainly known. All the parties concerned, both the sovereigns and the negotiators, observed an impenetrable secrecy. What became of the copy transmitted to France is unknown; its counterpart was confided to the custody of Sir Thomas Clifford, and is still in the keeping of his descendant, the Lord Clifford of Chudleigh. The principal articles were: 1. That the king of England should publicly profess himself a Catholic at such time as should appear to him most expedient, and subsequently to that profession should join with Louis in a war against the Dutch republic at such time as the most Christian king should judge proper. 2. That to enable the king of England to suppress any insurrection which might be occasioned by his conversion, the king of France should grant him an aid of two millions of livres, by two payments, one at the expiration of three months, the other of six months after the ratification of the treaty; and should also assist him with an armed force of six thousand men, if the service of such a force should be thought necessary. 3. That Louis should observe inviolably the treaty of Aix-la-Chapelle, and Charles be allowed to maintain that treaty in conformity with the conditions of the triple alliance. 4. That if, eventually, any new rights on the Spanish monarchy should accrue to the king of France, the king of England should aid him with all his power in the acquisition of those rights. 5. That both princes should make war on the United Provinces, and that neither should conclude peace or truce with them without the advice and consent of his ally. 6. That the king of France should take on himself the whole charge of the war by land, receiving from England an auxiliary force of six thousand men. 7. That by sea Charles should furnish fifty, Louis thirty, men-of-war: that the combined fleet should be placed under the command of the duke of York; and that, to enable the king of England to support the charge of the naval armament, he

cent. on the loans advanced to him, instead of eight. At the same time the States General paid only two and a half per cent.—Temple, ii. 33, 34.

[1] Life of James, i. 448. Macpher. i. 54. Louis was prepared to make every sacrifice to engage Charles in his "grande affaire," —the war against the States. When Colbert, his ambassador in London, made financial objections to the yearly payment of three millions for the grande affaire, particularly as that affair might last for some years, and draw a considerable quantity of specie out of the realm, he answered, on May 2, "Je sais que vos raisons sont bonnes; je les connois pour telles. J'ai mandé qu'il falloit combattre jusqu'à la fin; mais, au pis-aller, ne pas manquer la grande affaire."—Œuvres, v. 466.

should receive every year of the war the sum of three millions of livres from the king of France. 8. That out of the conquests which might be made, his Britannic majesty should be satisfied with Walcheren, Sluys, and the island of Cadsand; and that, in separate articles, provisions should be made for the interests of the prince of Orange, so that he might find his advantage in the war. 9. And that, to unite more closely the interests and affections of the subjects of both crowns, the treaty of commerce already commenced should be speedily concluded.[1]

From Dover, the king repaired to London, his sister to the palace of St. Cloud; and in less than three weeks from the time of their parting, the fair and fascinating Henrietta, at the age of twenty-six, was, after a very short illness, numbered with the dead. The report that, to punish the infidelity of her husband, she had indulged in similar infidelities, was solemnly contradicted by her in her last moments; and the suspicion that she had been poisoned by his order, with a cup of succory-water, received no support from the appearance of the body when it was opened after death.[2] Henrietta left a favourite maid, Mademoiselle de Querouaille. Whether it was through his recollection of her beauty, or through regard for his departed sister, Charles, after some time, invited her to England, and appointed her maid of honour to the queen. In a short time she became one of the royal mistresses.[3]

It was thought dangerous to confide the secret of the late treaty to a man so unstable in his counsels, so reckless in his resentments as Buckingham; yet it could not be carried into execution without his aid, and that of his friends and colleagues, Ashley and Lauderdale. The expedient which was adopted does credit to the ingenuity of the two monarchs. The marshal de Bellefonds was sent to England to condole with Charles on the death of his sister, and Buckingham was despatched to France to return the compliment to Louis. The duke was received with distinguished honour: the king consulted him on his intended war against the States, and held out to him the prospect of the command of the auxiliary force, if he could persuade his sovereign to join as a party in the campaign. This was a bait which the vanity of Buckingham could not refuse. On his return he urged the subject on the consideration of the king and of his colleagues; he obtained permission to open a negotiation with the French ambassador;

[1] See Appendix, BBBB. It is plain, from comparing the treaty itself with the account of it in the Life of James, that that prince, or the compiler of the life, was but ill acquainted with the true history of these transactions. He states erroneously that the treaty was concluded and signed, and some of the money paid, in the beginning of the year, and that Henrietta succeeded in persuading the king to waive his right, and to commence with the war against the Dutch. It is remarkable that James left London with Charles for Dover; but on the road was sent back to take care of the metropolis, under the pretence that some disturbance might be caused by the shutting up of conventicles. He reached Dover three days later, and seems to have suspected that Charles wished him out of the way.—James, i. 448. Macpher. i. 54.

[2] For the first report, see Temple, ii. 125; for the second, James, i. 451. Montague, the ambassador, says in his letter to Charles, of July 15, "I asked her then if she believed herself poisoned; her confessor that was by, understood that word, and told her, Madam, you must accuse nobody, but offer up your death to God as a sacrifice. So she would never answer me that question, though I asked several times, but would only shrink up her shoulders."—See a letter of condolence from Louis to Charles in the Appendix, CCCC.

[3] Evelyn (ii. 332) says, "I saw that famous beauty, but in my opinion of a childish, simple, and baby face, Mademoiselle Querouaille."—See also 349. The maids of honour were Henrietta Maria Price, Winefred Wells, Louisa de Querouaille, Margaret Blagg, Dorothy Howard, and Sophia Stuart.

he amused the two monarchs by complaining of the apathy or infidelity of Arlington and Colbert, who had been instructed to raise objections, that they might irritate his impatience, and entangle him more deeply in the intrigue; and, at length, the dupe had the satisfaction of concluding a treaty, of which he vainly deemed himself the author, but which in reality was a copy of the former, with the omission of the article respecting the king's profession of the Catholic religion.[1]

To this farce was added another. When the first instalment became due, Louis inquired of his good brother, whether he was yet prepared to make the declaration of his Catholicity. Charles replied, that he thought it advisable previously to consult the pope, and to obtain such conditions as might render the change less objectionable to his people. This answer was approved, and, in consequence, a vigorous attempt was made to induce him to join in the war first, and publish his conversion afterwards. But the king was inflexible, and to a second requisition replied, that he could discover no person fit to be trusted with so delicate a negotiation. Louis offered the bishop of Laon, whose services were accepted; but, in a few days, it occurred to Charles that the reigning pontiff was old and infirm, and that it would be more prudent to wait till the accession of his successor: next he determined to employ an Englishman, and spent some time before he named the president of the English college at Douai; then he contrived to obtain a delay of three months, under pretence of framing and amending the instructions to be given to this envoy; and at last honestly declared that existing circumstances compelled him to postpone the execution of his design to some more favourable opportunity. A year later Louis returned to the same subject, and Charles objected religious scruples, which made him desirous of consulting some celebrated theologian, but a theologian also skilled in chemistry, that the subject of their conversations might be supposed to be his favourite science. Soon afterwards he determined to make the celebration of mass in English, and the administration of the sacrament under both forms, the indispensable conditions of his conversion. But Louis was then satisfied; he had obtained his purpose of drawing the king into the war, and therefore ceased to call for a declaration, which must have rendered him a useless and burdensome ally.[2]

With the hope of procuring another supply, Charles had summoned the parliament in autumn; and the lord keeper in his name informed the houses of the several treaties which had been made for the encouragement and protection of commerce, directed their attention to the naval and military preparations of France and Holland, and announced the king's determination to fit out a fleet of fifty sail, to protect the British coasts from such insults as they had suffered in the year 1667. But for this money would be requisite. The last grant had enabled him to pay the interest, and extinguish a portion of the debt. But a considerable part was still unredeemed; and the best means of sus-

[1] Dalrymple, ii. 68—77. Œuvres de Louis, v. 471, 474. By the second treaty Charles was to receive five instead of three millions of livres, but, in a secret article unknown to Buckingham, he acknowledged that two out of the five were the sum which by the former treaty he was to receive for professing himself a Catholic.—Dalrymple, 77.

[2] Dalrymple, ii. 62—65, 83, 84. It is impossible to suppress the suspicion that both princes acted with insincerity. Charles put forward his intended conversion merely as an inducement to Louis to supply him with money; and Louis submitted to the deception, that he might draw Charles into the war with the States.

taining the fame and interests of the nation was to give him at once a speedy and plentiful supply. The ministers had been careful to secure a majority in the Commons. Charges of prodigality were made, and hints of popery and arbitrary power were thrown out in vain; and the sum of two millions and a half, to be raised from different sources, was cheerfully voted. During the debate, a member suggested a tax on the frequenters of the theatre; and when it was said that the theatre contributed to his majesty's pleasure, Sir John Coventry sarcastically inquired, whether "his majesty's pleasure lay among the men or the women players." This expression was bitterly resented at court; the gallants resolved to punish the insult offered to their sovereign; and the duke of Monmouth committed the task of revenge to Sandys, his lieutenant, and O'Brian, the son of Lord Inchiquin. These, taking with them thirteen men of their troop, surprised Coventry in the Haymarket, as he was repairing to his lodgings in the evening, after the house had adjourned during the Christmas holidays. They beat him, threw him on the ground, and made a deep incision on his nose with a penknife. The outrage, which was perpetrated with the connivance of the king, and against the remonstrances of the duke of York, created feelings of discontent in the house. It was resolved, the first thing after the adjournment, not to proceed with the public business till reparation had been made to the Commons of England for the injury inflicted on one of their members; an act was passed, banishing for life the four principal offenders, unless they should surrender themselves for trial against a certain day, and rendering them incapable of pardon, except by act of parliament; and the maiming or disfiguring of the person was made, for the future, felony without benefit of clergy. Charles dared not interfere for the protection of his champions; and the Commons, appeased by his forbearance, passed the money bills through their several stages.[1]

This benefit was, however, purchased with the usual sacrifice to the religious prepossessions of the two houses. Complaints had been made of the growth of popery, that Jesuits and priests had become more numerous; that English Catholics frequented the chapels of foreign ambassadors; that mass was often celebrated in private houses; that few processes were served out of the Exchequer against convicted resusants; that convents and schools had been established for papists; and that two persons openly officiated as popish archbishops in Ireland. Charles, though he was then bound by the late treaty to profess himself a Catholic, published a proclamation, such as was desired by the houses, in which he declared that, "as he had always adhered, against all temptations whatsoever, to the true religion established, so he would still employ his utmost care and zeal in its maintenance and defence." But proclamations had often failed of effect: the more orthodox demanded an act of parliament; and a bill for that purpose was sent

[1] Stat. of Realm, 691. Marvell, i. 413. Macpher. i. 57. Ralph, 193. Burnet, i. 469. Lord Dartmouth informs us that Coventry after this was much engaged with the Whigs, and professed himself a zealous Protestant, yet died a Catholic, leaving the bulk of his estate to the college of the Jesuits at St. Omer.—Ibid. note. Monmouth, the real contriver of the outrage, escaped, and in a few weeks committed a still more atrocious offence. On the night of Feb. 28, in company with the young duke of Albemarle and of eight others, in a drunken frolic, he attacked the watch, and killed the beadle of the ward, though the poor man on his knees begged for his life. Charles, to save his son, granted a pardon to all the murderers; but both the crime and the pardon were severely censured by the people.—See Marvell, i. 195, 416.

to the house of Lords, where it was read twice, and committed. A dispute respecting privilege prevented its farther progress.[1]

In a bill imposing new duties on imports, the Lords, at the petition of the merchants, had altered some of the rates. The Commons acknowledged that, in the case of money bills, the upper house had the power to approve or reject, but denied that it had the power to make alterations. The Lords called for some proof of this assertion. Where was the record? When had they forfeited the right? It might as well be said that they had not the power to reject: for, if they could not alter a part, how could they annul the whole? Had they confined themselves to this reasoning, they would probably have embarrassed their opponents; for the attorney-general replied that to give any reason would be to weaken a privilege which the Commons had possessed in all ages. But the Lords appealed also to precedents: the application of these precedents was disputed by the managers; the controversy became daily more intricate; the obstinacy of the parties augmented; and Charles, though by it he lost a valuable bill, was compelled to put an end to the session. The question had been raised by the imprudence of Buckingham; and the result did not tend to raise him in the estimation of his sovereign.[2]

Before we proceed to the next chapter, the reader may direct his attention to a few miscellaneous events which occurred about this time.

1. In the month of August, 1669, died at the castle of Colombe, near Paris, the queen-mother, Henriette Marie de Bourbon. It has been the custom to attribute a great portion of the misfortunes of Charles I. to the control which this beautiful princess possessed over the heart, and through the heart, over the judgment of her husband. But there is reason to believe that her influence was considerably exaggerated by those whose policy it was to alienate the people from the sovereign, by representing him as guided by the counsels of a popish wife. On most questions she coincided in opinion with secretary Nicholas; nor will it be rash to conclude that the unfortunate monarch would have fared better, had he sometimes followed their advice. After the death of Charles, she was privately married to Jermyn, earl of St. Alban's, and lived to see the restoration of her son to the throne of his father. Her last years were chiefly spent in acts of charity and exercises of devotion.[3]

2. At the commencement of the next year died another celebrated personage, Monk, duke of Albemarle. By Charles his services were always acknowledged, and amply rewarded; but the royalists regretted that the merit of restoring the king should have fallen to an apostate from their cause; and their dislike of the man indulged itself in throwing ridicule and censure on his manners and conduct. It must be owned that there was nothing very brilliant in his character: he was not made to shine in a gay and voluptuous court, nor did he seek to support his rank by a splendid and expensive establishment. But the king always treated him with respect, employed him in posts of difficulty and danger, and honoured his remains with a public funeral in Henry the Seventh's

[1] Com. Journ. Feb. 21, March 1, 10, 11. L. Journals, xii. 451, 468.

[2] L. Journals, xii. 449, 494, 502, 510. Mercu., i. 471. Parker, 119. Compare Macpherson, i. 68, with Dalrymple, ii. 99.

[3] See "The Life and Death of Henrietta," &c., printed for Dorman Newman, 1685, reprinted by G. Smeeton, 1820. Life of James, i. 448.

chapel. Within three weeks after his death, the duchess (she had been successively his washerwoman, his mistress, and his wife) followed him to the grave.[1]

3. The duke of Ormond, on the 6th of December, was returning in the dark from a dinner given by the city to the young prince of Orange, when in St. James's-street, his footmen, who walked on each side, were suddenly stopped; and two men forcibly drew the duke out of his carriage, mounted him on horseback behind a third, and, that he might not escape, fastened him with a leathern belt to the rider. The chief of the banditti hastened beforehand to Tyburn, that he might make preparations for hanging the captive; but on the road to Knightsbridge, the duke, leaning on one side, and raising with his foot the foot of his companion on the other, contrived to drag him from the saddle. Both fell to the ground; footsteps were heard to approach; and the assassin, having loosened the belt, discharged a brace of pistols at the duke, and instantly fled. The darkness proved favourable to both. The duke escaped with no other injury than what he had suffered in the fall and struggle; and his adversary eluded with ease the search of his pursuers. Yet the cause and the perpetrators of the outrage remained an impenetrable mystery. Though a committee of the house of Lords instituted an inquiry into the case; though the king promised a reward of one thousand pounds to those who should discover the offenders; though a pardon with the same sum of money was offered to any of the accomplices who should inform against the guilty, no clue could be obtained to lead to their apprehension: only it became known that the chief of the gang was Blood of Sarney, in the county of Meath, the author of a libel called "Mene Tekel," who had been outlawed for an attempt to surprise the castle of Dublin.

Soon afterwards a person in the cassock of a clergyman sought the acquaintance of Edwards, the keeper of the regalia in the Tower, and proposed to him a marriage between his own nephew and the old man's daughter. About seven in the morning of May 9th, the pretended clergyman, with two companions, called on Edwards, and requested to see the regalia. As soon as they entered the room, they threw a cloak over the keeper's head, and forced a gag into his mouth, promising to spare his life, if he remained quiet; but his struggles provoked them to knock him down, and wound him in the belly. The clergyman then put the crown under his cassock, one of his companions secreted the globe in his breeches, and the other, having divided the sceptre with a file, deposited the pieces in a bag. But the son of Edwards came by at the time; the alarm was given; the robbers ran; one of them fired at the first sentinel, who, though untouched, immediately fell; the second offered no resistance; and the three ruffians had nearly reached their horses at St. Catherine's Gate, when they were overtaken and secured. They were carried before Sir Gilbert Talbot, but the clergyman, who was the leader, refused to answer. Charles himself, through curiosity, or at the instigation of others, attended, when the prisoner improved the opportunity to flatter and terrify the king; he said

[1] The following portrait of Monk is drawn by the French traveller Monconis. Monk est petit et gros; mais il a la physiognomie de l'esprit le plus solide, et de la conscience la plus tranquille du monde, et avec cela une froidure sans affectation, et sans orgueil ny desdain: il a enfin tout l'air d'un homme moderé et fort prudent: ses meubles, sa table, et le peu de gens qui le courtisent, marquent assez qu'il n'est pas ambitieux.—Moncon. Journ. ii. 82.

that his name was Blood, the same who had seized the duke of Ormond, and would have hanged him at Tyburn; that he had even on one occasion undertaken to shoot the king himself at Battersea, but, the moment he took his aim, the awe of majesty unnerved him, and his piece dropped harmless to the ground. He was, however, but one of three hundred, who had sworn to revenge each other's blood. The king might act with him as he pleased. He might doom him to suffer—but it would be at the risk of his own life, and of the lives of his advisers;—or he might show him mercy—and in that case he would secure the gratitude and services of a company of fearless and faithful followers. If the unprecedented attempts of this man excited surprise, the conduct of Charles was a mystery which no one could understand. He not only forgave the offence offered to himself, but he solicited and obtained for Blood a pardon from Ormond, ordered him to remain as a gentleman at court, and gave him an estate of the yearly rent of five hundred pounds in Ireland, probably as a compensation for that which he had previously forfeited.[1]

5. For a long time the health of the duchess of York had visibly declined, and she died at St. James's, in her thirty-fourth year, having been the mother of eight children, of whom only two daughters survived her, Mary and Anne, both afterwards queens of England. She had been educated in the regular performance of all those devotional exercises which were practised in the church of England before the civil war. She attended at the canonical hours of prayer; she publicly received the sacrament in the royal chapel on every holiday, and once in every month; and she always prepared herself for that rite by auricular confession and the absolution of the minister. After the birth of her last child, she became still more religious, spending much of her time in her private oratory, and in conversation with divines; and for several months before her death it was observed that she had ceased to receive the sacrament, and began to speak with tenderness of the alleged errors of the church of Rome. Suspicion was excited; and her brother Lord Cornbury in person, her father, the exiled earl of Clarendon, by letter, endeavoured to confirm her in the profession of the established doctrines. But she had already been reconciled in August to the church of Rome, and in her last illness received the sacrament from the hands of Hunt, a Franciscan friar. Blandford, bishop of Oxford, her Protestant confessor, visited her on her deathbed; but the duke informed him of her change of religion, and he contented himself with speaking to her a few words of consolation and advice. Her conversion was known only to five persons; but the secret gradually transpired, and its publication served to confirm the suspicion that the duke himself was also a Catholic. It was, indeed, observed, that he occasionally attended on the king during the service in the chapel, but two years had elapsed since he had received the sacrament.[2]

[1] See for both facts Sir Gilbert Talbot's Narrative, Lansdowne MSS. 1659, p. 1—15. Evelyn, who dined in company with Blood at Sir Thomas Clifford's, describes him thus: "The man had not only a daring, but a villanous unmerciful countenance, but very well spoken, and dangerously insinuating."—Evelyn's Diary, ii. 341. Blood's companions were Hunt, his son-in-law, and Parret, who had been lieutenant to Major-General Harrison under the commonwealth. Charles told Ormond that he had certain reasons for asking him to pardon Blood. He replied that his majesty's command was a sufficient reason.—Talbot, ibid. Blood lived in London till he was charged with having suborned witnesses to swear sodomy against the duke of Buckingham, and died in the prison of the King's Bench, 24th Aug. 1681.—Somers's Tracts, viii. 438—454.

[2] Life of James, i. 452. Burnet, i. 537. Evelyn, ii. 380. Travels of Cosmo, 456.

CHAPTER IV.

CHARACTER OF THE CABAL—STOPPAGE OF PAYMENTS FROM THE EXCHEQUER—DECLARATION OF INDULGENCE—OF WAR AGAINST THE STATES—VICTORY AT SOUTHWOLD BAY—FRENCH CONQUESTS BY LAND—PROCEEDINGS IN PARLIAMENT—THE INDULGENCE RECALLED—THE TEST ACT PASSED—NAVAL ACTIONS—DISGRACE OF SHAFTESBURY—ADDRESSES AGAINST LAUDERDALE AND BUCKINGHAM—IMPEACHMENT OF ARLINGTON—CONCLUSION OF PEACE—DESIGN OF EXCLUDING THE DUKE OF YORK—REPEATED PROROGATIONS OF PARLIAMENT—INTRIGUES OF MONMOUTH—OF ARLINGTON—PROCEEDINGS OF THE POPULAR PARTY—NON-RESISTING TEST OF DANBY—DISPUTE RESPECTING APPEALS—ANOTHER SESSION—REVIVAL OF THE DISPUTE—MOTION FOR DISSOLUTION OF PARLIAMENT—PROCEEDINGS IN SCOTLAND—AND IRELAND.

THOUGH the second of the secret treaties with France had been concluded in January, the ratifications were not exchanged till June, at which time it is probable that Charles had consented to engage in the projected war against the States, and to postpone to an indefinite period the announcement of his conversion. Louis had already sent presents to the commissioners who signed the secret treaty at Dover; he now sent others to Buckingham, Ashley, and Lauderdale, who had signed the second treaty in June. In this there was nothing unusual; but, to bind the leading ministers more strongly to his interests, he granted a pension of ten thousand livres to Lady Shrewsbury, the mistress of Buckingham; and, when a similar pension was declined by Arlington, bestowed a magnificent present on his wife.[1] The only privy counsellors intrusted with the secret of the king's connexion with Louis, were Arlington, Clifford, Buckingham, Ashley, and Lauderdale; who formed the cabinet, or cabal, in which, according to the practice introduced by Clarendon, every measure was debated and determined before it was submitted, for the sake of form, to the consideration of the council.

I. Of these ministers, Arlington, originally Sir Henry Bennet, had signalized himself in the civil war, during which he received a sabre-wound in the face. From Madrid, where he resided as ambassador from the king, he was recalled and introduced into the ministry by the enemies of Clarendon. To strength of mind or brilliancy of parts he had few pretensions; but he was an easy and pleasing speaker, was well acquainted with the routine of business, and covered the deepest cunning under the most insinuating address. As the best bred man in the English court, he acquired the favour of the king and of the foreign noblemen whom business or pleasure brought to the capital; and Charles, as a proof of his esteem, caused the Lord Harry, afterwards the duke of Grafton, his

[1] Dalrymple, ii. 81, 82. Buckingham, to enhance the merit of his services, asserted that the Spaniards had offered him two hundred thousand pounds. Colbert observes, "Je crois qu'il n'en est rien; mais je crains que l'appetit de ces nouveaux commissaires (Buckingham, Ashley, and Lauderdale) ne soit grand."—Ibid. 81. By a singular coincidence, the initials of the names of the five ministers form the word "cabal."

son by Lady Castlemaine, whom he had created duchess of Cleveland, to marry the daughter of Arlington, a most beautiful child only five years old. In the cabinet, the prudence of this minister shrunk from the responsibility of being the foremost to suggest or to defend measures of doubtful tendency. This timidity afterwards proved his safeguard. It was taken for moderation, and served to mitigate the displeasure and resentment of the people. He retained to the last the favour of his sovereign.[1]

2. The influence which Clifford, by his industry and eloquence, had acquired in the house of Commons, had originally recommended him to the notice of the ministers; and, under the patronage of Arlington, he had rapidly advanced in preferment. He now held the offices of privy counsellor, treasurer of the household, and commissioner of the treasury. He was brave, generous, and ambitious; constant in his friendships and open in his resentments; a minister with clean hands in a corrupt court, and endued with a mind capable of forming, and a heart ready to execute, the boldest and most hazardous projects. The king soon learned to prefer his services before those of his more cautious patron.[2]

3. With Buckingham, his levity and immorality, his ambition and extravagance, the reader is already acquainted. Even when he was considered the prime minister, pleasure formed his favourite pursuit. He turned the night into day, and indulged in every sensual gratification "which nature could desire, or wit invent." Charles, much as he was amused with the follies of the duke, frequently treated him with contempt:—his princely fortune (a landed estate of twenty thousand pounds) insensibly disappeared; his mind became enfeebled with his body; and he lingered out the last years of his life in penury and disgrace.[3]

4. Lauderdale made it the great object of his policy to advance his own fortune by securing the royal favour. He was ungainly in his appearance, and boisterous in his manner; but his experience in business, his ready acquiescence in every wish of the sovereign, and the boldness with which he ridiculed the apprehensions and predictions of his colleagues, endeared him to the monarch. It was not in Lauderdale's disposition to allow principles, either political or religious, to interfere with his interest. A sincere friend to the covenant, he made it the constant subject of ridicule; a violent enemy to the Catholics, he lent his support to every measure in their favour; and, with a strong predilection towards a limited and constitutional monarchy, he fearlessly executed in his native country the most arbitrary determinations of the government. For these reasons he had numerous enemies among the dissenters and the men of liberal principles; and, on another account, he had incurred the hatred of all the Cavaliers both English and Scots. He was accused of having been a principal in the sale of Charles I. to the parliament, and of having received a considerable portion of the money. But the efforts of his countrymen to bring him into disgrace recoiled on their own heads. The king remained his friend; Middleton, the chief of his enemies, was removed from the government of Scotland, and that high office, after a decent

[1] Life of James, i. 398. Clarend. Pap. iii. Sup. lxxxi. Evelyn, ii. 372, 432. Macph. i. 48. Burnet, i. 170. Clarendon's Life, 191, 196. Works of Sheffield, duke of Buckingham, ii. 84.

[2] Evelyn, ii. 386, 387. Pepys Correspondence, v. 79. Macph. i. 48.

[3] Burnet, i. 171. Macph. i. 467. Evelyn, ii. 355. Clarendon, i. 369. North's Lives, i. 97.

interval, was bestowed on Lauderdale himself. But his triumph served only to multiply his enemies. The English Cavaliers took up the cause of their northern brethren, and waited with impatience for the favourable opportunity of gratifying their vengeance by accomplishing the downfall of the Scottish favourite.[1]

5. Sir Anthony Ashley Cooper formerly possessed the ear of Cromwell; at the restoration, through the influence of Monk, whose friendship he had gained, and of Southampton, whose niece he had married, he was appointed chancellor of the exchequer, and soon afterwards called to the house of Lords by the title of Baron Ashley. When Charles said of him that he was "the weakest and wickedest man of the age," the king consulted his anger more than his judgment. Ashley possessed talents of the highest order, but made them subservient to his passion and interest. As long as the royal cause promised to be successful, he was careful to suggest the most arbitrary measures, and to support them at the expense of liberty and justice; but, when the current turned, when the spirit of discontent, which animated the house of Commons, led him to anticipate a failure, he divested himself of his employment at court, and, coming forward as the champion of popular right, "usurped a patriot's all-atoning name." But whether he served the king, or the king's opponents, he was still the same character, displaying in his conduct a singular fertility of invention, a reckless contempt of principle, and a readiness to sacrifice the rights of others in the pursuit of his object, whether it were the acquisition of power or the gratification of revenge.[2]

Of these five ministers, Lauderdale adhered to the Scottish covenant; Buckingham, with all his ridicule of bishops and sermons, called himself an orthodox churchman; and Ashley was supposed to belong to no church whatever. Of Arlington and Clifford, it has often been said that they were Catholics. But hitherto they had certainly professed themselves Protestants, though, perhaps, like many others, for no better reason than because Protestantism was in fashion. For, during the revolutions of the last twenty years, the immorality of the royalists, the cant of the fanatics, and the successive prevalence of contrary doctrines in the pulpits, had, especially among the higher classes, unsettled religious opinion, and rendered men indifferent to particular forms of worship. It may, however, be that the knowledge of the duke's conversion, and of the king's sentiments, made impression on Arlington and Clifford. The latter certainly embraced the Catholic faith before the close of the Dutch war: Arlington continued a Protestant till his last sickness, when he was reconciled to the church of Rome.[3]

These were the ministers with whose assistance Charles determined to engage in the war against the States; a war from which he promised to himself an abundant harvest of profit and glory, in the humiliation of a republic, the prosperity of which held out to his subjects the example

[1] Burnet's own Time (Oxford reprint in 1823), i. 174. Clarendon, 51. Miscel. Aul. 212, 234. Pepys, 154. In the Scottish parliament, it had been agreed that a certain number of delinquents should be incapacitated from holding office, not openly by the majority of votes, but secretly by way of ballot, to prevent family feuds between the excluders and the excluded. Among the names was that of Lauderdale. But Charles disapproved of the proceeding, and recalled Middleton. See the pleadings before the king in Miscel. Aul. ibid.

[2] Macph. 70. Dalrymple, ii. 15. Burnet, i. 164, 165. Clarendon, 26, 245.

[3] In May, 1671, Evelyn from Clifford's conversation "suspected him a little of warping to Rome."—Evelyn, ii. 341, 382. In May, 1673, he is called "a new convert."—Life of James, i. 484.

of successful rebellion; in the superiority which the trade of the British merchants would derive from the ruin of their commercial rivals; and in the additional authority with which he would be himself invested at the head of a conquering army and navy. To obtain these results it was necessary to make the most gigantic efforts, and to provide pecuniary funds commensurate with these efforts. An ample supply had been already granted by parliament; to secure the stipulated subsidy from France, a third treaty had been concluded with Louis;[1] and an additional resource was now discovered by the ingenuity of Ashley or Clifford.[2] The reader is aware that ever since the time of Cromwell the bankers and capitalists had been accustomed to advance money to the government, receiving in return assignations of some branch of the public revenue till both capital and interest should be extinguished. Hitherto the exchequer had maintained its credit by the punctuality with which it discharged these obligations; but now it was proposed, 1. to suspend all payments to the public creditors for the space of twelve months, which would permit the king to devote the whole of his income to the purposes of the war; and 2. to add the interest now due to the capital, and to allow six per cent. interest on this new stock, which would afford a reasonable compensation to the holders for any inconvenience which they might suffer from the delay. Clifford, as one of the commissioners of the treasury, carried this project from the cabinet to the privy council; he endeavoured to defend it on the ground of state necessity; and requested that no member would raise objections, unless he were prepared to offer some other expedient equally productive and equally expeditious.[3] Clifford was supported by Ashley; the council gave its consent; and the suspension was announced by proclamation to the public. It stated that the safety of the kingdom rendered it necessary to forbid the payment of any money out of the exchequer in virtue of existing warrants and securities, but promised that the creditors should receive "interest at the rate of six per cent.; that no person whatsoever should be defrauded of anything that was justly due, and that the restraint should not continue any longer than one year."[4] By this iniquitous act, a sum of about one million three hundred thousand pounds was placed at the disposal of the ministers; but the benefit was dearly purchased with the loss of popularity and reputation. Many of the bankers, who had placed their money in the exchequer, failed; a general shock was given to the commercial credit of the country, and

[1] It is plain that a third treaty was concluded in the beginning of 1672. Dalrymple notices it as merely a Latin copy of the second treaty, signed on Feb. 5th; but that it was different in some points appears from this, that the command of the English auxiliaries was given by it to the duke of Monmouth.—Dalrymp. ii. 88. The services of Montague, the English ambassador, were so pleasing to Louis on this occasion, that he solicited Charles to send to the ambassador the order of the Garter, and to allow him (Louis) the pleasure of presenting it to Montague.—Œuv. de Louis, v. 493; March 21, 1672.

[2] It seems doubtful with whom this measure originated. Evelyn assigns it to Sir Thomas Clifford (Diary, ii. 381, 385), probably because he was chosen to recommend it to the privy council. In Arlington's letters it is attributed to Lord Ashley; also in the Life of James, "it was he (Ashley) who advised the shutting up the exchequer."—Life, i. 488. See also Burnet, i. 532. Shaftesbury himself, in a letter to Locke (Life by Lord King, i. 65), gives some reasons why, not he, but Clifford, should be thought the author of it; but the care with which he avoids a direct denial provokes suspicion that the charge was well founded.

[3] Temple, ii. 181.

[4] Declaration. In the Savoy, by the king's printers.

numbers of annuitants, widows and orphans, were reduced to a state of the lowest distress.[1]

In this attempt the five ministers could not fail of success; in the next they met with a signal defeat. It was known that in the month of March a fleet of Dutch merchantmen, laden with the commerce of the Levant, would pass up the Channel; and a resolution was taken to capture them as lawful prizes, without any previous declaration of war. To the objection that such conduct would resemble the rapacity of the pirate and the highwayman, it was replied, that arrogance and avarice had led the Hollanders to trample on all the received usages of civilized nations, and that they could not reasonably complain, if they received in return such treatment as they had already inflicted upon others.[2] The States, however, were not to be taken unawares. The immense preparations of Louis had opened their eyes to the danger which menaced them; and the recall of Temple, who had negotiated the triple league, with the mission, in his place, of Downing, a man so hateful in Holland, that he fled back to England to escape the vengeance of the mob,[3] taught them to suspect that Charles was the secret ally of the French king. Under this impression they were careful to furnish protection to their merchantmen, and to acquaint their naval commanders with the possibility of a sudden rupture between the two nations. The task of intercepting the Dutch fleet had been intrusted by the English ministers to Sir Robert Holmes, who received orders to take under his command all the ships which he should find at Portsmouth, or should meet at sea. Holmes, at the back of the Isle of Wight, saw the squadron of Sir Edward Spragge, which had recently destroyed the Algerine navy in the Mediterranean; but unwilling that another should obtain any share in the glory and profit of the enterprise, suffered him to pass by. The next morning he descried his object, sixty sail of merchantmen, many of them well armed, under convoy of seven men-of-war. Van Nesse, the Dutch admiral, saw the design of Holmes, and so admirably did he dispose his force, so gallantly was he seconded by the officers and men under his command, that he completely baffled all the efforts of his enterprising opponent. During the night the English admiral received a reinforcement; in the morning he renewed the action; and at last succeeded in cutting off one man-of-war and four merchantmen, two of which proved of considerable value. The failure was certainly owing to the presumption and ambition of Holmes. To Charles it became a subject of bitter disappointment, both as it diminished the pecuniary resources on which he had reckoned, and as it covered him and his advisers with disgrace; for both his subjects and foreigners united in condemning the attempt, which they would probably have applauded, had it been crowned with success.[4]

During the last war with Holland the counsels of government had been distracted, and the most serious alarm

[1] L. Journ. xii. 526. North, Examen, 37. Parker, 121. Marvell, ii. 475.

[2] See the question discussed in Parker, 124.

[3] Downing was sent to the Tower for his cowardice.—Temple, ii. 180. May 23.

[4] James, i. 456. Macph. Pap. i. 68. Marvell, ii. 478. Heath, 582. Notwithstanding this attack, both parties faithfully observed the provision in the treaty of Breda, that, in case of a rupture, the ships and merchandise belonging to the subjects of either party, and existing in the ports and territory of the other, should not be molested for six months. Eæ naves, merces, et bona quævis motabilia quæ in portibus et ditione partis adversæ hinc inde hærere et extare deprehendentur.—Dumont, vii. 47.

had been repeatedly excited, by the close and dangerous correspondence between the foreign enemy and the malcontents within the kingdom. Since that period the number of the latter had been multiplied by the intolerant enactments against the dissenters; and, to apply a remedy to the evil, the king's advisers determined to carry into execution his favourite project of indulgence to tender consciences. With this view, a declaration was published, stating that the experience of twelve years had proved the inefficacy of coercive measures in matters of religion; that the king found himself "obliged to make use of that supreme power in ecclesiastical matters which was not only inherent in him, but had been declared and recognised to be so by several statutes and acts of parliament;" that it was his intention and resolution to maintain the church of England in all her rights, possessions, doctrine, and government; that it was moreover his will and pleasure that "all manner of penal laws in matters ecclesiastical, against whatsoever sort of non-conformists or recusants, should be from that day suspended;" and that to take away all pretence for illegal or seditious conventicles, he would license a sufficient number of places and teachers for the exercise of religion among the dissenters, which places and teachers so licensed should be under the protection of the civil magistrate; but that this benefit of public worship should not be extended to the Catholics, who, if they sought to avoid molestation, must confine their religious assemblies to private houses.[1]

This declaration, like the former, had been moved in the council by Clifford, and seconded by Ashley: the provision respecting the Catholics was added to satisfy the scruples of the lord keeper. By the public it was received with expressions of applause or vituperation, as men were swayed by interest or religion. Its opponents complained that it tolerated popery, and consequently idolatry; that, by affording encouragement to schism, and the opportunity of meeting to the factious, it must tend to weaken the stability both of the church and of the throne; and that it claimed for the king a power subversive of a free constitution,—the power of dispensing with the laws. In reply, it was contended by the advocates of indulgence, that religious opinion was beyond the control of government, and that no people could be powerful abroad, as long as they were divided by dissension at home; that the public exercise of their worship was still forbidden to the Catholics; that the indulgence, by removing religious discontent, was calculated to strengthen both the church and the throne; that no claim was set forth by the king, which did not by ancient usage belong to the crown; and that, of necessity, the power of dispensing with the law in matters ecclesiastical grew out of the ecclesiastical supremacy, and in civil matters, out of the very nature of government; for no form of government could be perfect, in which the executive power did not possess the means of providing for the exigencies of the state during the intervals when the legislative power was not assembled: that to dispense with the penal laws respecting religion had been the practice of every sovereign since the Reformation; and that the king himself, during the late war with Holland, had suspended the Trade and Navigation acts without exciting contradiction or murmur. The result showed the power of interest over principle. The dissenters, who had been in the habit of confining within the narrowest limits the pretensions of the crown, gratefully ac-

[1] Parl. Hist. iv. 515.

cepted the indulgence, and presented by their ministers an address of thanks to the king; while the ardent friends of orthodoxy began to dispute their own doctrine of passive obedience, and to think that the prerogative ought to be fettered in those cases in which it might operate in opposition to their own claims and prepossessions.[1]

In a few days appeared the English and French declarations of war. Louis was content to assert that, after the many insults which he had suffered from the arrogance of the States, to dissemble his resentment would be to detract from his glory. Charles condescended to enumerate the several causes of his displeasure, the unwillingness of the States to regulate with him according to treaty the commerce of the two nations in the East Indies, their perfidious detention of the English traders in Surinam, their refusal to strike to his flag in the narrow seas,[2] and the repeated insults which had been offered to him personally by injurious medals and defamatory publications. It was his duty to maintain the honour of his crown, to preserve the trade and commerce of the nation, and to protect from oppression the persons of his subjects. But, if this consideration compelled him to appeal to arms, it was still his intention to "maintain the true intent and scope of the treaty of Aix-la-Chapelle," in all alliances which he "had made, or should make, in the progress of the war; to preserve the ends thereof inviolable, unless provoked to the contrary."[3] In a few days the king of Sweden, the second party to the triple alliance, acceded to the designs of Charles and Louis, and, under the specious pretence of preserving the peace of Germany, bound himself by a second treaty, to make war on any prince of the empire who should undertake to aid the States in the approaching war between them and the king of France.[4]

The Dutch were the first at sea; and De Ruyter, with seventy-five men-of-war, and a considerable number of fire-ships, stationed himself between Dover and Calais, to prevent the intended junction of the French

[1] For these particulars and reasonings, see Parker, 251—258; Parl. Hist. iv. App. xli. xlii.; Arlington to Gascoign, 66; James, i. 455. It is often said, but certainly without authority, that the lord keeper refused to put the seal to the declaration. Had this been the case, he would probably have been dismissed in March instead of November.

[2] The negotiations on this subject show that the king claimed as a right what the Hollanders would yield only as a compliment.—Parker, 106—109. "You must always know my mind and resolution," says Charles to Downing, "is not only to insist upon the having my flag saluted when on their very shores (as it was always practised), but in having my dominion of the seas asserted, and Van Ghent exemplarily punished" (Jan. 16, 1672).—Lord King's Life of Locke, i. 76.

[3] Parl. Hist. iv. 512. Dumont, vii. 163, 164. "Yet," says Marvell, "it is as clear as the sun that the French had by the treaty of Aix-la-Chapelle agreed to acquiesce in their former conquests in Flanders; and that the English, Swede, and Hollander, were reciprocally bound to be aiding against whomsoever should disturb that regulation." —Marvell, ii. 482. This, though it has been repeated hundreds of times, is far from being an accurate exposition of the transaction. The real object of the triple alliance was to compel the crowns of France and Spain to make peace on the terms already offered by France, and to guarantee to Spain the provinces in the Netherlands which should remain to her after that peace —Tant pour aider à faire finir par leur intervention la guerre qui s'estoit alors allumée entre les deux couronnes, que pour guarantir aussi le plus fortement et efficacement que faire si pourroit, la paix.—The peace was accordingly made at Aix-la-Chapelle, and the kings of England and Sweden, and the States, signed the act of guaranty—promettent par ces presentes de guarantir le dit traité—and promised, if Louis were, under any pretext whatever, to invade any of the territories belonging to *Spain*,—aucun des royaumes, estats, pays, ou sujets du Roy catholique,—to employ all their forces in resisting the aggression and obtaining reparation.—See the act of guaranty in Dumont, vii. 107. In the treaty between Louis and Charles, the treaty of Aix-la-Chapelle was confirmed, and no infraction of it took place during the war.

[4] Dumont, vii. 169. Miscel. Aul. 68, 70.

and English fleets. The duke of York could muster no more than forty sail at the Nore; but with these he contrived, under the cover of a fog, to pass unnoticed by the enemy, and, proceeding to St. Helen's, awaited the arrival of the French squadron under D'Estrées. The combined fleet now sailed in search of the enemy, whom they discovered lying before Ostend. But the prudence of De Ruyter refused to engage even on equal terms. Availing himself of the shallows, he kept his opponents at bay, and baffled all their manœuvres with a skill which extorted their admiration. At last, he reached Goree, and the duke returned to Southwold Bay, on the coast of Suffolk, that his ships might take in their full complement of men and provisions.[1]

In a few days, De Ruyter learned, from the captain of a collier, the situation and employment of the English fleet. He suddenly resolved to become the aggressor, sailed from Goree in the evening with his whole force, and would probably have surprised his enemies at anchor, had it not been for the sagacity of Cogolin, the commander of a French frigate. That officer, on account of his ignorance of the coast, had cast anchor during the night at a distance of some miles from Southwold Bay. At the first dawn he descried two Dutch men-of-war of equal force, which immediately brought to, and stood from him; and concluding from these motions, that the main body could not be far distant, he discharged his guns in succession as a signal. James immediately ordered every ship to get under weigh, and take her station in the line; but the wind was easterly, and the tide to leeward, and not more than twenty sail could form to meet the enemy. The duke, with a part of the red squadron, opposed De Ruyter and the fleet from the Maese; the earl of Sandwich, with part of the blue, Van Ghent and the fleet from Amsterdam. D'Estrées received Banker with the ships from Zeeland; but both stood under easy sail to the southward, and, as they never came to close action, suffered comparatively but little injury.[2]

Seldom has any battle in our naval annals been more stubbornly contested. The English had to struggle with a bold and experienced enemy, and against the most fearful disparity of force. Their ships were so intermingled among the multitude of their opponents, that they could afford little support to each other; still they fought with the most desperate courage, hoping to protract the action till they could be joined by the remainder of the fleet in the bay. About eleven o'clock, the duke's ship, the Prince, of one hundred guns, had lost above one-third of her men, and lay a motionless wreck on the water. Having ordered her to be towed out of danger, he passed through the window of the cabin into his shallop, rowed through the enemy's fire, and unfurled the royal standard in the St. Michael, of ninety guns.[3]

The earl of Sandwich, in the Royal James, repeatedly beat off the enemies by whom he was surrounded, carried by boarding a seventy-gun ship which lay athwart his hawse, and killed Van Ghent, the commander of the Amsterdam squadron; but after an engagement of eight hours, the Royal James became unmanageable; of two fire-ships which approached, one was sunk by her guns, the second grappled

[1] James, i. 457—461. Miscel. Aul. 69, 70.

[2] James, i. 461—465.

[3] Ibid. 465, 466. So afraid were the sailors of fire-ships, that the duke expressly forbade the name to be mentioned during the action. If any man saw a fire-ship approaching, he was ordered to communicate his suspicion in a whisper to the nearest officer (466).

her on the larboard side; and in a few minutes that noble vessel was enveloped in flames. The duke, from a distance to leeward, saw the blue flag towering above a dense column of smoke, and ordered the Dartmouth and a number of boats to hasten to the assistance of the crew. Between two and three hundred were saved; the rest, with their gallant commander, perished in the waves.[1]

During the afternoon, the other ships joined the fleet, and the combatants began to fight on a footing of equality. About five it was reported to the duke, that the St. Michael could with difficulty be kept afloat, on account of the injury which she had received in her hull; and trusting again to his shallop, he transported his flag to the London. De Ruyter was the first to shrink from the conflict. He sailed about seven to overtake the Zeeland squadron; and most of the English took the opportunity of joining D'Estrées to leeward, while the duke, with five-and-twenty sail, remained to the windward of the enemy. Thus terminated this bloody and obstinate engagement. The cool and determined courage of the English enabled them, notwithstanding the disadvantages of surprise, and wind and tide against them, to claim the victory. They lost but one, their opponents three ships of the line.[2]

In the morning, the two divisions of the English fleet joined, and it was determined to proceed to the Nore; but in a short time De Ruyter who had sailed to the southward, reappeared; and James ordered the line to be formed, and made the signal to bear down on the enemy. They immediately fled; a general chase was ordered, and twice the Dutch ships, which had been disabled in the late action, were on the point of falling into the hands of the pursuers, and as often saved by the timely intervention of a fog. On the second day the Dutch found a secure shelter within the Wierings; and the English fleet returned in triumph to the river.[3]

By land, the storm which had so long menaced the States soon burst on their most distant frontier. Louis had placed himself at the head of more than one hundred thousand men, and was assisted by the counsels of Condé and Turenne. Orsoi, Burick, Wesel, and Rhinberg, fortresses on the Rhine, in the possession of Dutch garrisons, opened their gates; the river itself was passed near Schenck in the face of the enemy; Arnheim, Naerden, Utrecht, Daventer, Zutphen, and Nimeguen submitted; three out of the seven provinces were torn from the republic, and the French outposts established themselves in the vicinity of Amsterdam.[4] At first the States seemed to abandon themselves to despair;

[1] James, i. 467, 468. He appears to have had a presentiment of his fate. When Evelyn (ii. 369) took leave of him, the earl said, he should see him no more. "No," he added, "they will not let me live. *Had I lost a fleet, I should have fared better.* But be it as it pleases God. I must do something, I know not what, to save my reputation." Evelyn tells us that Monk and Clifford were accustomed to describe the earl's caution as cowardice, and that the words in Italics allude to his expedition to Bergen. May they not allude to the conduct of Monk, as if he had said: Had I, by excess of courage, lost a fleet, as Monk did, I should have fared better?—"He dined," says Sheffield, duke of Buckingham, "in Mr. Digby's ship the day before the battle, when nobody dreamt of fighting, and showed gloomy discontent, so contrary to his usual cheerful humour, that we even all took notice of it: but much more afterwards."—Works, ii. 14.

[2] Ibid. 468—471. "The duke of York himself had the noblest share in this day' action; for when his ship was so maimed as to be made incapable of service, he made her lye by to refit, and went on board another that was hotly engaged, where he kept up his standard till she was disabled, and then left her for a third, in order to renew the fight, which lasted from break of day till sunset."—Works of Sheffield, duke of Buckingham, who was present, ii. 15.

[3] James, i. 475, 478.

[4] For the progress of the French army see Œuvres de Louis, iii. 130—248.

they were roused to exertion by the approach of the enemy, and the sympathy of Europe. The Louvestein faction, hitherto the ally of France, sunk into insignificance; the prince of Orange was declared captain-general of the army and admiral of the fleet; promises of succour were obtained from the emperor, the king of Spain, and the elector of Brandenburg; and attempts were made to detach Charles from his alliance with the French monarch. The king, indeed, began to waver. The success by sea had not answered his expectations; the conquests of Louis threatened to provoke a general war in Christendom; and a rupture between France and Spain would not only overturn the treaty of Aix-la-Chapelle, but also deprive his subjects of the Spanish trade, the most profitable branch of British commerce. With his son, the duke of Monmouth, who, at the head of six thousand British soldiers, served in the French army, were joined, as plenipotentiaries, Buckingham, Arlington, and Savile, lately created Viscount Halifax. The three latter repaired to the Hague, where they assured the States of the pacific disposition of their sovereign,[1] and thence, accompanied by deputies, hastened to the camp of the French monarch at Heeswick, where, in union with Monmouth, they signed a new treaty, binding the two kings to act in concert, and never to conclude a peace, but by joint consent. The separate demands of Charles and Louis were then communicated to the Dutch ministers. Charles, on his part, required, as the basis of peace, the dignity of stadtholder for the prince of Orange; the honour of the flag as an acknowledgment that England was mistress of the narrow seas; the yearly payment of ten thousand pounds for permission to fish on the British coasts; indemnification for the charges of the war to the amount of one million sterling, and the possession of Flushing, Goree, and the neighbouring fortresses, as security for the payment: Louis offered to restore the three provinces which he had conquered, on condition that the States should cede to him such places as they had formerly wrested from Spain, and such part of their territory as lay on the left bank of the Rhine; should pay to him an indemnification of seventeen millions of livres; should yearly offer him a gold medal in acknowledgment of his forbearance, but in reality as a satisfaction for the insulting medal which they struck at the conclusion of the triple alliance; and should grant to their Catholic subjects the free exercise of the Catholic worship.[2] The States, at the persuasion of the

[1] When Buckingham assured the dowager princess of Orange, that they, the ambassadors, would not use Holland like a mistress, but love her like a wife; she replied, "Vrayment je croy que vous nous aymez comme vous aymes la votre."—Temple, ii. 260.

[2] Dumont, vii. 205, 206, 208. Miscel. Aul. 71, 72. In the united and the neighbouring provinces the Catholics and Protestants were intermixed in considerable numbers, and the intolerance of the States abolished, wherever their influence extended, the exercise of the Catholic worship. This was met with similar intolerance on the other side; and the inconveniences arising from such a state of things induced the Protestant elector of Brandenburg, and the Catholic count-palatine of the Rhine, to conclude in this spring a treaty of equitable adjustment, by which the churches were divided between the two communions, and provision was made for their respective ministers out of the property formerly belonging to the clergy in the duchies of Cleves, Juliers, and Berg, and the counties of Mark and Ravensburg.—Dumont, vii. 171—194. Louis, following the example, demanded for the Catholics within the territory of the States the use of one church where there were two, and the permission to build another where there was only one, with a decent provision for the clergymen out of the old church property, or some other fund.—Ibid. 205. This demand, however, gave occasion to the opponents of the court in England to represent Charles as leagued with Louis in a crusade for the

prince of Orange, indignantly rejected these proposals. They opened their dikes; the country was deluged with water; and the progress of the French arms was suspended.

From this moment the war began to languish both by sea and land. Louis left the camp for his capital, and while part of his army was employed to retain possession of his conquests, the other portion marched to the Rhine to observe the German princes, who were arming in support of the States. At sea, De Ruyter had the prudence to shun a second engagement; and the duke of York cruised in vain off the Dogger Bank to intercept the East India fleet, which found shelter in the river Ems. Charles, however, continued faithful to his engagements with Louis, and, to mark his satisfaction with the conduct of his ministers, he raised Sir Thomas Clifford to the peerage, by the title of Lord Clifford of Chudleigh; created Lord Arlington earl of Arlington; Lord Ashley earl of Shaftesbury; and honoured Buckingham and Arlington with the order of the Garter. For a while Shaftesbury seemed to monopolize the royal favour, so delighted was the monarch with the fertility of his invention and the fearlessness of his courage. Charles deemed himself bound in honour to shelter the bankers, whose money he had locked up in the exchequer, from the pursuit of their creditors. They applied for protection to the court of Chancery; but the lord keeper hesitated; he doubted whether it were a case in which he ought to interfere; and Shaftesbury seized the occasion to represent him to the king as an old dotard unequal to his situation. The hint was taken; the seal was transferred from Bridgeman to Shaftesbury; and the new lord chancellor soon exposed himself by his vanity and self-sufficiency to the ridicule of the bar as well as the odium of the people. Instead of the sober and decent robes worn by his predecessors in office, he appeared on the bench in "an ash-coloured gown silver-laced, and full-ribboned pantaloons displayed." In the procession to Westminster Hall to open the seal, instead of being conveyed in a carriage, he rode on horseback; and the king's counsel, the law-officers of the crown, and the several judges, were compelled to accompany him in a similar manner, to the great annoyance of some among these reverend personages; one of whom, Mr. Justice Twisden, by the curvetting of his horse, was laid prostrate in the mire. In his court he professed a sovereign contempt for ancient forms; his orders were made with rapidity, and fashioned after his own fancy; for a few days the counsel did not interrupt him; but he was afterwards so harassed with motions for the explanation and amendment of his orders, that he grew ashamed of his precipitancy, and the imperious reformer gradually sunk into the tamest judge that ever sat on the bench. Mindful, however, of the charge which he had brought against Bridgeman, he was careful to stay the proceedings against the bankers in the inferior courts; but, at the same time, with a prudent regard to his own security, he appointed a distant day on which he would be ready to hear counsel against this injunction.[1]

The elevation of Shaftesbury made

establishment of popery; and, to excite greater irritation, they informed the public that the *principal* church in each town was demanded for the Catholics.—Burnet, i. 560. Another falsehood spread at the time was, that Louis assured the States that he would make peace if they accepted his conditions, whether Charles were satisfied or not.—Marvell, i. 492. Yet the contrary is the truth. In article xiii. he declares that the acceptance of his conditions will not be sufficient alone; they must also satisfy the king of England, before peace can be made. —Dumont, 206.

[1] James, i. 481. North, 38, 46, 57, 58, 60.

a vacancy in the commission of the treasury. Charles dissolved the board, and at the recommendation of his brother, gave the staff of lord high treasurer to Lord Clifford. The friendship which had so long subsisted between Arlington and Clifford was instantly broken. Arlington charged him with ingratitude, with having by his intrigues supplanted his patron and benefactor. But the king commanded them to be friends. He exculpated Clifford. The refusal of the staff to Arlington arose, he asserted, from his own kindness for that nobleman; from a wish to spare him the disgrace and mortification which he would have entailed upon himself by his want of due qualification and firmness.[1]

It had been expected that in October Charles would apply to the parliament for money to enable him to open the exchequer in January; and the States flattered themselves with the hope of a powerful opposition on the part of the Commons. To their disappointment, the two houses were prorogued till February, and the suspension of payment to the public creditors was continued by proclamation for another half-year. Shaftesbury improved the interval to add to the number of his dependents in the lower house. During the prorogation several members had died; some had been called to the house of Lords. Instead of waiting till the parliament assembled, he issued writs out of Chancery for new elections; these writs, with recommendations from the court, were intrusted to the hands of the persons whose return was desired; and they, availing themselves of the opportunity, in general secured their election. It was, however, observed that almost all, whether designedly or not, were dissenters, a circumstance which awakened the anger of the Cavaliers and the churchmen; and a resolution was taken to dispute the legality of the writs, and consequently of the returns. Colonel Strangeways, an old Cavalier of the first opulence and influence in the western counties, whose friends had been defeated in four instances by the arts of Shaftesbury, placed himself at the head of the opposition.[2]

At the opening of the session the king and the chancellor successively addressed the two houses. Charles was an ungraceful orator, but on this occasion he spoke with an ease and dignity which surprised his hearers. Shaftesbury dilated on the different topics which had been mentioned by the king. He justified the declaration of indulgence, and the shutting up of the exchequer; he assumed that the war was popular, and that the pretensions of the Hollanders were so inconsistent with the rights of Great Britain, that "Carthage must be destroyed:" he ridiculed the jealousy of those who feared that the army raised on account of the war might afterwards be employed against the liberties of the country, and solicited a plentiful supply, to disappoint the expectations of the enemy and secure a speedy and profitable peace.[3]

1. The first object which occupied the attention of the Commons was the legality of the writs issued dur-

It were, however, unfair to omit the praise allotted to him by an enemy:—

In Israel's courts ne'er sat an Abethdin
With more discerning eyes, or hands more clean:
Unbribed, unbought, the wretched to redress,
Swift of despatch, and easy of access.

Dryden, Abs. and Achit.

[1] Compare James, i. 482, with Evelyn, ii. 386.
[2] Miscel. Aul. 79. Parker, 262, 264. North, 56.
[3] L. Journ. 523—526. Miscel. Aul. 98. "Shaftesbury expressed to Locke the vexation which he felt at being made the organ of such sentiments."—Lord King's Life of Locke, i. 63. But he considered himself as speaking the king's sentiments, and therefore not responsible for what he said!

ing the prorogation; and in this they obeyed the command of the king, whether he already began to withdraw his confidence from Shaftesbury, or was desirous to propitiate the men who had displayed so much devotion to his person. That the chancellor had acted according to the precedent of former times, was certain: the claim set up by the house, that the order for the writ must originate with the speaker, could not be traced to an earlier period than the year 1640; and it seemed reasonable to conclude, that, like the other prerogatives of the crown, this had also been recovered at the restoration. But the house of Commons has never surrendered a privilege which it has once exercised: it was contended that numerous inconveniences would arise from the right claimed by the chancellor; and a resolution was passed that the elections were void, and that new writs should be issued in virtue of a warrant from the speaker. The disappointment opened the eyes of Shaftesbury to the real character of the prince whom he served. He saw that Charles was fonder of ease than of power, more disposed to conciliate than to compel, and more likely to sacrifice an obnoxious minister than to put down a fierce and stubborn opponent.[1]

2. The house proceeded, in the next place, to the consideration of the supply, and, by an unanimous vote, fixed it at the amount of one million two hundred and sixty thousand pounds, to be raised by eighteen monthly assessments. For this liberal and unexpected grant Charles was indebted to the exertions of the two leaders of the opposition, Garroway and Lee, who did not escape the suspicion of having sold themselves to the court, though their friends endeavoured to account for their conduct on the specious ground, that they deemed it politic to hold out to the king so large a sum as a temptation to his indigence. He had assured them in his speech, that "he would stick to his declaration of indulgence." They meant to put his resolution to the test. If he yielded, the money was at his command; if he persisted, no steps would be taken to perfect this previous vote.[2]

3. The country party now directed all their efforts to procure the recall of the declaration. Of the indulgence itself they affected not to disapprove; their objections went to the form. They were willing to extend relief to the Protestant dissenters, but it must be done in a parliamentary way. The royal authority was bounded by the same limits in ecclesiastical as in civil matters; the king might remit the penalties of the offence, but he could not suspend the execution of the law. By the courtiers the claim of the prerogative was feebly supported on the ground of necessity; because the power of dispensing with the law must reside somewhere; otherwise, numerous cases might arise during the intervals of parliament, in which the welfare, the very safety of the state, would be sacrificed to an impolitic and unreasonable jealousy. After a long and adjourned debate, it was resolved by a majority of one hundred and sixty-eight to one hundred and sixteen, that "penal statutes in matters eccle-

[1] C. Journ. Feb. 6. Parl. Hist. iv. 507—512. Parker, 262—265. Orleans, 242.

[2] Com. Journ. Feb. 7. Burnet, ii. 13. We are, however, told by North, that Sir Thomas Lee, Mr. Garroway, and Sir Thomas Meres, "the bell-wethers of the country party," obtained places in the customs, admiralty, and excise, for their occasional compliance with the court (p. 456); and Lord Dorchester asserts that Lee received for his services on this occasion the sum of six thousand pounds, which one of the clerks of the treasury brought in a hackney-coach to Fleet-ditch, where Lee met him. At a signal they stopped, changed coaches, and drove away.—Burnet, ii. 86, note.

siastical cannot be suspended but by act of parliament."[1] This resolution was embodied in an address presented to the king. Charles required time to consider the question, and then replied, that he was sorry they had questioned his ecclesiastical authority, which had never been questioned in the reigns of his ancestors; that he pretended to no right of suspending any laws concerning the properties, rights, or liberties of the subject; that his only object, in the exercise of his ecclesiastical power, was to relieve the dissenters; and that he did it not with the intention of avoiding the advice of parliament, but was still ready to assent to any bill which might be offered to him, appearing better calculated than his declaration to effect the ends which he had in view, the ease of all his subjects, and the peace and establishment of the church of England. But this answer was voted insufficient; and a second address informed him that he had been misled by his advisers; that the power of suspending statutes in matters ecclesiastical had never been claimed or exercised by his ancestors; and that his faithful Commons prayed from his goodness a more full and satisfactory reply to their petition.[2]

By Charles this second address was received as an insult. He declared that he would dissolve the parliament rather than submit to the dictation of his opponents. Shaftesbury, Clifford, Buckingham, and Lauderdale, applauded his spirit; and the duke of York, though he differed from them on most subjects, concurred with them in this. Concession, it was argued, had been the ruin of the father, it would prove the ruin of the son; to bend in one instance would only lead to additional demands. Let him assume a determined and authoritative tone; let him show that he would never resign a single right of the crown; the opposition would then melt away, and the proudest of his opponents would learn to crouch at the feet of the sovereign. Animated by their discourse, Charles gave himself credit for a degree of resolution which he did not possess; and when Arlington conjured him to yield, scornfully rejected the advice of his timid and time-serving counsellor. It was determined to oppose one house to the other. In a short speech to the Lords, the king complained of the encroachments of the Commons, ordered their addresses and his answers to be laid on the table, and solicited the advice of the peers, the hereditary counsellors of the crown. Clifford spoke with his accustomed boldness; but Shaftesbury, who began to doubt of the result, betrayed a disposition to court popularity. His individual opinion was, he said, in favour of the prerogative; but he would not venture to place it in the balance against the authority of so august a body as the house of Commons. After a long debate, the Lords resolved, without a division, that the king's proposal to settle the question in a parliamentary way was a good and gracious answer.[3]

The public had watched with intense interest these proceedings in parliament, and many thought that they discovered in them the certain prognostics of a second civil war. By the States the hope of a dissolution was cherished; thus the aid of one

[1] C. Journ. Feb. 10. Yet Burnet describes it as "a very unanimous resolution" (ii. 6).

[2] C. Journ. Feb. 14, 24, 26. L. Journ. xii. 540. Parl. Hist. iv. 518—534, 546—551.

[3] L. Journals, xii. 539, 543. Dalrymple, ii. 89. Orleans, 240. Burnet, ii. 7, 8. There is, however, in Burnet's narrative, so much unquestionably false, that it is difficult to judge what may be probably true. But his account of Shaftesbury's speech is confirmed by the lord-keeper Guildford.—Dalrymple, ii. 90.

million two hundred and sixty thousand pounds would be intercepted, and the king be compelled to conclude a peace, or to adopt the defensive system which had been attended with indelible disgrace in the late war. The sagacity of Louis suggested to him the apprehension of similar results. By his order Colbert waited on the king, represented to him the disastrous consequences of a breach between him and the parliament, exhorted him to yield for the moment, and promised, on the return of peace, to aid him with men and money for the purpose of recovering the rights which he might be induced to surrender. The resolution of Charles was already exhausted by its previous efforts; he willingly listened to the counsels of the ambassador; and the promise of money, always welcome to his indigence, was gratefully accepted; but as far as regarded military aid, that, he said, should never be solicited by him against his subjects, unless he were reduced to the last extremity by another rebellion. The same evening, sending for the declaration, he cancelled it in the presence of the ministers, and the next morning forwarded a solemn promise to the Lords and Commons, that "what had been done with respect to the suspension of the penal laws should never be drawn into consequence." The two houses testified their joy by acclamation; and in the evening numerous bonfires illuminated the streets of the metropolis.[1]

4. It may excite surprise that the dissenters did not rally round the throne in defence of a measure in which their interests were so deeply concerned. But it was an age in which religious antipathies exercised an unbounded influence over the judgments of men. The knowledge that the duchess of York had died a Catholic, the suspicion that the duke of York, the presumptive heir to the crown, had embraced the Catholic faith, and the fact of the alliance with France, a Catholic power, against the Dutch, a Protestant state, were confidently brought forward to prove the existence of a most dangerous conspiracy against all the reformed churches; the declaration of indulgence to tender consciences was represented as the first of the measures devised by the conspirators for the accomplishment of their unholy purpose; and the dissenters were exhorted and solicited to surrender the advantages which it promised them, for more secure, though, perhaps, less extensive relief to be granted by act of parliament. These arguments had weight with numbers; their jealousies and apprehensions were awakened; they consented to sacrifice their personal interest to the general good, and joined in the popular cry, which demanded additional securities for the reformed faith.[2] Of these securities, the first regarded the small force lately raised to be employed on the continent. It was remarked that Fitzgerald, the major-general, and a few other officers, were Catholics, and that Schomberg, the commander-in-chief, though a Calvinist, was not only a foreigner, but also held high rank in the French army. Why, it was asked, were such men selected for the command? Did there not exist an intention of employing them, at the conclusion of the war, to establish popery and arbitrary power? To remove these fears, an address was voted, requesting the king to discharge from the army every officer and soldier who should refuse to take the oaths of allegiance and supremacy, and receive the sacrament after the

[1] Dalrymple, ii. 93—96. L. Journ. xii. 549.

[2] Guildford, apud Dalrymple, ii. 91.

rite of the church of England; and to admit no man, thereafter, into the service, who did not take the oaths before the first, and the sacrament before the second, muster. Charles returned a satisfactory answer;[1] and the anti-Catholics, elate with their victory, proceeded to urge the exclusion of those who were the objects of their jealousy from civil as well as military offices. The suggestion of a test for this purpose came to them from a quarter whence it was not to have been expected,—from Arlington, the reputed papist. But to Arlington it presented several advantages. It would remove from him the suspicion of Catholicity; it would enable him to gratify his resentment against Clifford; it would bring once more within his reach the treasurer's staff, the great object of his ambition; and it would serve to screen him from danger, by creating in his favour an interest among the popular leaders. By them the proposal was gratefully accepted, under the expectation that such a test would solve the question of the duke of York's religion, and, by stripping him of office, exhibit him to the people in a state of political weakness and degradation. Neither did the chiefs of the court party prove more hostile than their opponents to a measure which opened to them the prospect of power and emolument from the resignations and removals which it would inevitably occasion. Even the king himself was brought to give his consent. The passing of the test was represented to him as the only condition on which he could hope to obtain the liberal supply that had been voted; and to a prince, with whom, as it was observed, "logic built upon money had more powerful charms than any other sort of reasoning," this consideration proved a convincing argument. If he felt at all for his brother, he probably strove to persuade himself that James would never sacrifice the possession of office to the profession of his religion.[2]

In conformity with the suggestion of Arlington, the house of Commons had resolved, that every individual "refusing to take the oath of allegiance and supremacy, and to receive the sacrament according to the rites of the church of England, should be incapable of public employment, military or civil;" and a bill was introduced requiring, not only that the oaths should be taken, and the sacrament received, but also that a declaration against transubstantiation should be subscribed by all persons holding office, under the penalty of a fine of five hundred pounds, and of being disabled to sue in any court of law or equity, to be guardian to any child, or executor to any person, or to take any legacy or deed of gift, or to bear any public office. In the lower house, a feeble opposition was offered to the clause imposing the declaration, on the ground that, to make the disavowal of a speculative opinion the qualification for civil office was contrary to the nature of a civil test, and calculated to render men hypocrites or atheists. In the upper house the principal novelty in the debate was furnished by the earl of Bristol, who, though a Catholic, argued in support of the test. That considerable alarm

[1] L. Journ. xii. 547, 548, 549.

[2] The French ambassador supplies the information respecting Arlington and his object (Dalrymple, ii. App. p. 90); Marvell respecting the motives of the king, and the leaders of the opposite parties.—Marvell, i. 494, 495. Neal attributes the Test Act to an omission on the part of the king, whom he represents as returning no answer to the petition of the two houses for the removal of Catholics from office.—Neal, ii. 693. But their petition did not ask for any such removal, and it was posterior in time to the resolution for a test. The petition was presented March 7; but the resolution was passed Feb. 28. See Journals on those days.

existed, could not, he said, be denied. It mattered little whether it was well founded or not. The more groundless the panic was, the more rapidly it would spread. If, then, the bill tended to lull the apprehensions of the people, it deserved the approbation of the house. It did not enact new, it did not enforce even the old, penalties against the Catholic worship. It went merely to remove a few individuals from offices which they could not exercise without scruple and dissimulation. For himself, he was no wherryman in religion, to look one way and row another. He was a Catholic, attached to the church, but not to the court of Rome. He should vote, indeed, against the bill, because it contained expressions to which he could not conscientiously assent; but he hoped that the house would adopt it, as a measure of prudence, calculated to prevent mischief and to pacify discontent. By this speech, Bristol obtained the reputation of a patriot: the reader will, perhaps, think him a hypocrite; for he prevailed on the parliament to adopt a proviso in his favour, securing to him and his wife a large pension from the crown, and exempting them, and them alone, from the obligation of taking the test.

5. The bill passed the house of Lords, as it had passed that of the Commons, without provoking a division; and it may reasonably be asked, how it happened that it received no opposition from the dissenters, when it was so framed as to comprehend them, though its avowed object was the exclusion of others? They seem again to have suffered themselves to be duped by the artifice of their pretended friends. With the bill for the test, was introduced another for ease to Protestant dissenters; and thus their objection to the first was neutralized by their hopes from the second. But while one passed rapidly through the house, the other crept slowly on; new questions successively arose, and day after day was spent in debating what quantity of relief should be granted, to what description of nonconformists it should extend, and for how long a time it should be continued. The house at length agreed to confine the benefit to those dissenters who objected only to the articles of discipline, and were willing to subscribe the articles of doctrine of the church of England, to allow all such to hold separate meetings for the purpose of religious worship, to exempt them from the penalties for absence from the parish church, and to repeal in their favour the compulsory declaration of *assent* and *consent* ordained by the Act of Uniformity. In this shape the bill was forwarded to the house of Lords, where it received numerous amendments: to some of these the Commons objected; and, though the king warned them of the approaching termination of the session, no care was taken to come to an agreement. On Easter eve, the parliament was adjourned at nine in the evening; before it met again, a prorogation followed, and the hopes of relief which the dissenters had been encouraged to cherish were utterly extinguished.[2]

In the history of this session, it is worthy of notice: 1. That not a murmur was heard from the ranks of the opposition against the war, or the alliance with France, or the suspension of payments in the exchequer. Of these great subjects of complaint no mention is made either in the addresses or the debates. But not only was silence observed; in addition, an act of grace was passed,

[1] C. Journ. Mar. 12. L. Journ. 557, 559, 561, 567, 569. Parl. Hist. iv. 561—566. Stat. of Realm, v. 782.

[2] Lords' Journ. 561, 564, 571, 576, 579, 584. Parl. Hist. iv. 535, 542, 551, 556, 571, 575.

which, by pardoning all offences committed before the 25th of March, covered the ministers from the risk of subsequent punishment. It seems as if a secret understanding existed between some of the leaders of the two parties; and that the members of the cabal had sacrificed the Catholics to the jealousy of their opponents, on condition of indemnity to themselves.[1] 2. The house of Commons, in the bill which it passed for the ease of dissenters, departed from those doctrines which it had so strenuously advocated in its celebrated address to the king, in 1663. At that time it protested against any indulgence, because it was inconsistent with the Act of Uniformity, calculated to breed schism and multiply sects, and would ultimately lead to universal toleration.[2] But now the distinction between articles of doctrine and articles of discipline, at that time refused, was broadly admitted; the pains and penalties for absence from church, or attendance at conventicles, then considered essential to the safety of the establishment, were taken away; and the declaration of assent and consent, the principal provision in the Act of Uniformity, was rendered entirely optional. 3. With respect to the test, it should be remembered that the oath of supremacy and the subscription against transubstantiation were sufficient to exclude the Catholics from office; the obligation of receiving the sacrament after the rite of the established church was unnecessary as far as regarded *them*; but it operated effectually to the exclusion of the dissenters. Thus the latter, by contributing to the establishment of the test, placed themselves in a much worse situation than before. They forfeited the benefit of the king's declaration; they remained subject to the intolerant laws passed against them since the restoration; and in addition, they entailed on themselves and their posterity a new disability, that of holding employment, civil or military, under the crown.

In Holland, the rapid success of the French had provoked, instead of subduing, resistance. De Witt, who had so long governed the republic, fell a victim with his brother to the vengeance of an infuriated mob; the prince of Orange took on himself the proud task of liberating his country; and the absence of contending factions gave a more uniform direction to the national efforts, and inspired with greater confidence the princes who dreaded the ascendancy of France. During the winter Louis made no additional conquests: in the summer the reduction of Maestricht was the only exploit which distinguished his arms. After a succession of marches and operations in Flanders, undertaken for the sole purpose of masking his real object, he suddenly sat down before that fortress, which capitulated after an obstinate defence of twenty-three days. Monmouth, who led the English auxiliaries, commanded under him with the rank of lieutenant-general. His want of military experience was supplied by the counsels of Montal; his personal courage won the applause of the king and of the army.[3]

[1] "It was the constant practice of these ministers, that when any of them were afraid of the house of Commons for themselves, they presently exposed the papists to be worried, hoping thereby to save themselves from being fastened upon."—James, i. 499.

[2] C. Journ. Feb. 27, 1663.

[3] Buckingham (Sheffield, Works, ii. 24) says that "a sure and easy attack was kept back till his day of commanding, that he might have the credit of the success." This insinuation is groundless. On that occasion, says Louis in a letter to Charles, il fit tout ce qui se pouvoit pour signaler davantage sa conduite et sa valeur. Je ne dois pas même oublier que le lendemain les assiegés étant sortis sur la demi-lune à la faveur d'un fournesu, il fut à eux l'épée à la main au

In England, the liberal supply voted by parliament gave new vigour to the preparations for war. A fleet of more than sixty sail of large ships was equipped, and an army of eight thousand men was raised and encamped at Blackheath for foreign service. But at first all men fixed their eyes on the duke of York, anxious to learn whether he would take or refuse the test. His conversion to the church of Rome still remained a matter of mere suspicion; but it was observed that, at Easter, when the king received the sacrament, James did not accompany him;[1] and soon afterwards the fact became public by his voluntary resignation of all the offices which he held under the crown. At the same time, and for the same reason, the Lord Clifford relinquished the treasurer's staff, in opposition to the advice and entreaty of the king. By those who were acquainted with his aspiring character, and able to judge how much it must have cost him to suppress at once the hopes which he had so fondly cherished, it was supposed that he had bound himself by promise to follow the duke of York; but that prince declares that Clifford was actuated by motives of conscience, and pronounces his conduct the more honourable, as it was the less to be expected from one who had so recently become a proselyte. By his resignation, the ambition of Arlington was again awakened, but was again disappointed. The king, by the advice of James and Clifford, gave the staff to Arlington's enemy, Sir Thomas Osborne, who was soon afterwards raised to the peerage, by the title of Viscount Latimer.[2]

By the retirement of James, the command of the combined fleet, amounting to ninety sail of the line, had devolved on Prince Rupert. With so formidable a force, it was expected that he would sweep the Dutch navy from the face of the ocean; but he performed nothing worthy of his reputation; and, though he fought three actions with De Ruyter, neither received nor inflicted considerable injury. His friends complained that his powers were limited by unusual restrictions, and that his ships wanted stores and provisions; an officer who was present asserts, that he was too closely leagued with the country party to obtain a victory, which might render their opponents lords of the ascendant. He was ordered to take under his protection the army commanded by Schomberg, and to land it on the coast of Holland. Schomberg, unacquainted with naval etiquette, affixed the colours of his regiment to the mast of his vessel, as a signal to the officers in the other transports; but Rupert considered his conduct as an act of insubordination or insult; two shots were fired through the rigging; and orders were

premier bruit de la sortie, et leur fit quitter le logement.—Louis, iii, 412. That this was not mere compliment appears from the following passage in the king's journal of the siege:—Le duc de Monmouth s'acquit à la tête des mousquetaires une grande reputation.—Ibid. 375. See also James, i. 493.

[1] Evelyn, ii. 380. The king had employed Lord Clifford to prevail on James to take the sacrament with him at Christmas; but the duke replied that his conscience forbade him.—James, i. 482.

[2] Evelyn (ii. 383) says, "I am confident he (Clifford) forbore receiving the communion, more from some promise he had entered into to gratifie the duke, than from any prejudice to the Protestant religion, though I found him wavering a pretty while." But he proved his sincerity, for "the test ousted him of the place of lord treasurer of England, and of being any longer a privy councillor; who, though a new convert, generously preferred his conscience to his interests."—James, i. 484. These passages prove that those writers are incorrect who represent him all along as a Catholic. Besides Lord Clifford, Lord Belasyse, Sir Thomas Strickland, and several others in eminent stations, resigned.—Marvell, i. 458.

given to sink the general's vessel, unless the flag were immediately struck. Schomberg reluctantly submitted, and the armament proceeded to the Dutch coast; but no landing was effected. Rupert, having alarmed the inhabitants on several points, from the mouth of the Maese to that of the Ems, ordered the military force to return to Yarmouth, where it remained encamped during the rest of the season. Schomberg, attributing both the violence of the prince with respect to the flag, and his refusal to land the army in Holland, to personal dislike, sent him a challenge; but Charles interfered to prevent the meeting, and the general quitted the English service.[1]

A congress had been held at Cologne, under the mediation of the king of Sweden. But the States had now a brighter prospect before them, and scornfully refused conditions which they would have gladly accepted in the preceding summer. The assassination of the two De Witts by the populace had destroyed the influence of the Louvestein party; the Orange interest obtained the predominance in every province; and the young prince already displayed that decision of mind, that inflexibility of purpose, which marked his character through life. The other powers of Europe did not remain indifferent spectators of the contest. Leopold of Austria and Charles of Spain offered their assistance; and a defensive alliance bound them to unite their arms against the enemies of the republic.[2] This was not the least singular of the revolutions which the seventeenth century exhibited. The remembrance of past injuries was suppressed; the objections of religion were silenced; and the emperor and king of Spain, the representatives of that family from whose iron yoke the United Provinces had been lately freed, now hastened to their support in opposition to England and France, the two powers which had originally watched and protected the cradle of Dutch independence.

But the States not only obtained foreign aid, they indulged a well-founded hope of separating Charles from his alliance with France, and with that view kept up a close correspondence with the discontented party in England. If the religious antipathies of the people had been excited by the conversion of James to the Catholic faith, they were now blown into a flame by the intelligence that he had recently married by proxy the sister to the reigning duke of Modena, Maria d'Este, a Catholic princess of the age of fifteen.[3] The danger to the Protestant religion from this inauspicious union became

[1] Buckingham (Sheffield), ii. 25, 29. See also a letter from the king to Rupert, in which he calls the raising of the flag "a casual and inoffensive error, laments the mortification of Schomberg, and is not willing that the quarrel should be carried any farther." — Lansdowne MSS. 1206, p. 158.

[2] Dumont, vii. 240, 243. Soon afterwards Louis, to keep Charles firm to his engagements, granted him a very singular favour. By the death of the last duke of Richmond, Aubigni, in the province of Berry, which had been granted to one of his ancestors, reverted to the French crown. On the 29th of July, 1672, Louise de Querouaille bore a son to Charles; the next year he created her duchess of Portsmouth; and Louis, at the desire of the king, conferred on her the domain of Aubigni, to be enjoyed by her during her life, and at her death to go to any one of the natural sons of Charles whom that monarch might please to name, and to the male descendants of that son, "to the end that the land of Aubigni might continue in possession of the illustrious house of Stuart." Charles, of course, named his son by Querouaille, and created him duke of Richmond Aug. 19, 1675. See the letters patent of Louis XIV. (Appendix DDDD), who naturalized the duke on the 12th of Jan. 1685, three weeks before the death of his father.

[3] James, i. 484. He had first solicited the hand of the arch-duchess of Innspruck, but that princess preferred the emperor Leopold. See the negotiation in Miscel. Aul. 65, 107.

the subject of every discourse; and Charles, that the popular excitation might have time to subside, and the real intention of the States be satisfactorily ascertained, resolved to postpone the meeting of parliament to the termination of the Christmas holidays. From this counsel he was seduced by the artful and treacherous suggestion of the chancellor, who had secretly been reconciled, and had made the promise of his services, to the country party. On the appointed day, the 20th of October, the two houses assembled; but Shaftesbury, in defiance of the order which he had received, neglected to adjourn them till the Commons had voted an address to the king, praying that he would not permit "the marriage between the duke and the princess of Modena to be consummated." They met again on the 27th, and were informed that his majesty could not in honour break a contract of marriage which had been solemnly executed. But his opponents in the lower house were not to be deterred; their plan of operations had been previously arranged, and they proceeded to resolve, that a second petition, of the same import with the first, should be presented; that no supply should be granted, unless the obstinacy of the Dutch made it necessary, till the country was secured from the danger of popery and popish counsellors, and the existing grievances were redressed; that a test should be imposed to distinguish between Protestant and Papist, and render the latter incapable, not only of office, but of sitting in either house of parliament; that the standing army was a grievance which ought to be redressed; and that (as had been done by the Long parliament in the time of Charles I.) the king should be petitioned to appoint a day of general fasting, that God might avert the dangers with which the nation was threatened. These votes created alarm in the court; and Charles, hastening to the house of Lords, prorogued the parliament.[1]

By this decisive measure, the hopes of the opposition were disappointed, and Shaftesbury became the victim of his own policy. Calculating on the easy, irresolute disposition of the king, he had anticipated victory instead of defeat, and probably expected to retain his high office, while his colleagues should be excluded from the royal counsels. Charles, having granted him a full pardon for all offences against the crown, demanded the great seal, which he gave to Sir Heneage Finch, with the office of lord keeper;[2] and the disgraced minister, hitherto the adviser of the most arbitrary measures, openly proclaimed himself the adversary of the court and the champion of the liberties of the people. He walked daily in the Exchange, accompanied by some of the young nobility, entered into familiar conversation with the merchants, and feelingly deplored to them the miseries of the nation, the depression of trade, and the danger which threatened religion. In the estimation of his new associates, his political conversion had obliterated the guilt of his former transgressions; he was applauded as a persecuted patriot, a

[1] Com. Journals, Oct. 20, 27, 30, 31; Nov. 3, 4. James, i. 485. Burnet, ii. 31.

[2] The reader will recollect that in 1614 it was resolved, that for the future no attorney-general should sit in the house of Commons, because, by his office, he is an assistant of the house of Lords. In consequence, in the years 1620, 1625, 1640, when members of the house of Commons were appointed to the office, new writs were issued by the speaker. On the elevation of Finch to the Chancery, North succeeded as attorney-general, but did not, as others before him, vacate his seat. Though some members complained, he was permitted to remain in the house. All his successors have continued to sit without molestation.

martyr to the liberties of his country; and, doubtful as it was whether he believed or not in revelation, theologians were found to describe him from the pulpit as the saviour of religion, and to foretell that his fame, like that of the woman mentioned in the gospel, should live throughout future generations. He failed, however, in his attempt to procure an address to the king from the common council. Charles had many friends in the capital; and the leading citizens, on the signification of the royal disapprobation, refused their concurrence.[1]

The votes of the house of Commons had spread consternation among the courtiers, and Arlington conjured the king either to prevent the departure of the Italian princess from Paris, or to insist that James after his marriage should withdraw from public notice, and lead the life of a country gentleman. But Charles replied, that the first was incompatible with his honour, and the second would be an indignity to his brother. The duchess left Paris, James with a small retinue met her at Dover, and Crew, bishop of Oxford, declared the marriage lawful and valid.[2] Here, however, the earl of Berkshire, a Catholic, probably at the request of the king, advised the duke to solicit permission that he might retire to Audley-end, both for his own quiet and the royal convenience. James indignantly refused: his interest, he said, required that he should be on the spot to oppose his enemies; his duty forbade him to desert his brother without the royal command. From Dover he returned to the palace of St. James's, where the duchess, by her youth, and beauty, and innocence, disarmed the malevolence of party, and became a general favourite with the court. Charles, however, partook of the common alarm. He refused her the use of a public chapel, which had previously been stipulated; he ordered the officers of the household to prevent all Catholics, or reputed Catholics, from entering the palace, or coming into the royal presence; he forbade, by an order of council, any popish recusant to walk in the park, or visit at St. James's, and he instructed the judges to enforce with rigour the execution of the penal laws against the Catholics.[3]

By these regulations the king hoped to satisfy the more moderate of his opponents. When the houses met after the prorogation, he addressed them with that air of candour, affability, and cheerfulness, which was so natural to him; and was followed by the lord keeper in a long and eloquent speech, describing the object of the measures lately adopted, imputing to the States insincerity in the negotiation, extolling the king's attachment to the doctrines and worship of the established church, and demanding a supply, as equally necessary for the attainment of peace and the prosecution of the war. But neither the affability of the king, nor the eloquence of the minister, could make any impression on the leaders of the party who were now supposed to act under the guidance of Shaftesbury.

[1] James, i. 483. Parker, 266, 267, 271. Macph. Pap. i. 69.

[2] James, i. 486. Temple, ii. 288. The ceremony was merely the following:—"The bishop asked the duchess and the earl of Peterborow whether the said earl had married the duchess of York as proxy of the duke, which they both affirming, the bishop then declared it was a lawful marriage."—Ibid.

[3] James, i. 487. Kennet, 296. L. Journ. 595. James, i. 499. Burnet, ii. 30, 37. These orders were executed with such severity, that within the course of two months seven Catholic peers were compelled to appeal to the house of Lords for protection; namely, the marquess of Winchester for himself and his servant; the earl of Norwich for himself and his two sons; and the earl of Cardigan, the viscount Montague, and the lords Petre, Arundel, and Belasyse, for themselves.—L. Journ. xii. 613, 621, 622, 635, 642.

1. It was too late to resume the question of the duke's marriage; they therefore began with the presentation of three addresses, praying the king to enjoin a public fast, that the whole nation might implore the protection of the Almighty for the preservation "of church and state against the undermining practices of popish recusants;" to command all papists not householders to remove to the distance of ten miles from the capital during the session of parliament; to order that the names of all popish householders within the distance of five miles should be enrolled at the sessions; and to direct the militia of London, Westminster, and Middlesex to be ready at an hour's notice, and the militia of the country at a day's notice, to suppress any tumultuous meetings of papists or other discontented persons. It cannot be pretended that there existed any real ground for these precautions and insinuations; but the experience of the civil war had shown how efficacious such addresses were in exciting vague and alarming jealousies in the minds of the people, and in directing their attention to the parliament as the faithful guardian of religion and liberty: and similar proceedings were at present adopted in furtherance of the projects of the party whose great aim was believed to be the exclusion of the duke of York from the throne. To each address Charles returned a gracious and satisfactory answer.[1]

2. They proceeded next to vote the removal from office of all counsellors "popishly affected, or otherwise obnoxious or dangerous." Who, it was asked, advised the alliance with France and the rupture with Holland, the declaration of indulgence, and the suspension of payment to the public creditor, the levy of an army without the advice of parliament, and the placing of a foreigner at the head of that army, the marriage of the duke of York, and the prorogation of last November? Let inquiry be made; let a mark be placed on the authors of such evil counsels; let them be incapacitated from repeating their pernicious advice, and from inflicting new injuries on the nation.[2]

It was a maxim with the court, introduced by Clarendon and followed by his successors, to leave the parliament, in show at least, to the unbiassed exercise of its own judgment. Though every species of influence and corruption was employed to secure votes, the appearance of a court party was carefully avoided. The most devoted adherents of the ministers received directions to conceal their real sentiments, to seek popularity, to speak and vote frequently with the opposition, to join in the cry against popery, and in the most violent measures against its professors, that on more important occasions their opinions might appear disinterested, and consequently have greater weight with their colleagues. Hence it generally happened that the motions which the court wished to carry came first from the ranks of the opposition; and that the resistance to the measures of the country party was feeble, fluctuating, and cautious. The question was never met fairly and manfully; but the debate was protracted, difficulties were raised, amendments were suggested, and, as a last resource, some unintelligible and irreconcilable quarrel about privilege was provoked between the two houses.

On the present occasion the court pursued its usual policy. The friends of the ministers did not deny that evil counsels might have been given, but contended that no man could justly

[1] L. Journal, xii. 594, 598. C. Journ. Jan. 7, 12. On the 1st of August, 1673, the duke of York told the French envoy that he was afraid of being excluded from the succession.—Dalrymple, ii. App. 98.

[2] C. Journ. Jan. 12, 13, 14.

be punished before he had been put on his defence. They admitted that grievances existed, but represented the grant of a supply as not less necessary to the welfare of the nation than the redress of grievances. Why might not the two subjects accompany each other, and one day be devoted to the consideration of grievances, the next to the consideration of the supply? Why should not the clamours against evil counsellors be reduced to specific charges, and the accused be permitted to justify themselves?[1]

3. But their opponents adhered steadily to their own plan, and proceeded to consider, in the first place, the case of the duke of Lauderdale. It was alleged against him, that, as chief of the administration in Scotland, he had raised an army for the purpose of employing it to establish arbitrary power in England; and that at the council in England, when a magistrate was charged before it with disobedience to the royal declaration, he had said, "Your majesty's edicts are equal with the laws, and ought to be observed in the first place." It was resolved that an address should be presented to the king, "to remove Lauderdale from all his employments, and from the royal presence and councils for ever."[2]

Buckingham, aware that he was destined to be the next victim, solicited and obtained permission to address the house. His first speech was confused and unsatisfactory; nor did his second, on the following day, supply the deficiencies of the former. He represented himself as a man who had spent a princely fortune in the service of his country; and reminded his hearers of the patriotism with which he had once braved the resentment of the court. He offered nothing in defence of the conduct of the ministry; but sought by evasion and falsehood to shift the responsibility from himself. Some of their measures he pretended that he had opposed, in conjunction with the earl of Shaftesbury; some he imputed to Lord Clifford, who was no longer alive to rebut the charge;[3] some he openly attributed to his known enemy, the earl of Arlington; and of others he darkly insinuated that the blame lay with the royal brothers, by the enigmatical remark, that a man might hunt the hare with a pack of beagles, but not with a brace of lobsters. His submission obtained for him some indulgence from the house. It was voted, indeed, that, like Lauderdale, he should be removed from the royal presence and councils; but with respect to office, only from those employments which he held during pleasure: words that left him at liberty to dispose by sale of such as he held by patent.[4] To the address against him, as well as that against Lauderdale, Charles briefly replied, that he would take it into consideration.

Against Arlington was exhibited an impeachment of treason, and of crimes of high misdemeanor, in a great number of articles, arranged under the three heads of promoting popery, embezzling and wasting the royal treasure, and betraying the trust

[1] Parl. Hist. iv. 620.

[2] C. Journ. Jan. 13. Parl. Hist. iv. 625, 630.

[3] He died of the stone at Ugbrooke, 17th Oct. 1673.

[4] C. Journ. Jan. 13, 14. Parl. Hist. iv. 630, 649. Burnet, ii. 38. Reresby, 24. At the same time the house of Lords was employed in an inquiry arising out of the complaint of the trustees of the young earl of Shrewsbury against the duke of Buckingham and the countess dowager of Shrewsbury; and an award was made that "the duke should not converse or cohabit with the countess for the future, and that each should enter into security to the king's majesty in the sum of ten thousand pounds apiece for that purpose."—L. Journ. xii. 628.

reposed in him as privy councillor. Of these articles three parts in four had evidently no other foundation than suspicion and report, and the ease with which they were refuted served to throw ridicule on the whole charge. Arlington addressed the house with more firmness than had been expected. To the assertions of Buckingham he gave the most pointed contradiction; and reprobated the injustice of imputing to one councillor the blame or merit of measures which had been adopted in consequence of the judgment and advice of the whole board. Arlington had secret friends among those who appeared openly as his enemies; they acknowledged that there was much force in his arguments; and the motion to inflict on him the same punishment as on Lauderdale was rejected by a majority of forty voices. All that his enemies could obtain, after a debate of five days, was the appointment of a committee to inquire what part of the articles could be so far established as to furnish ground for impeachment; and this committee, whether it was through the difficulty of procuring satisfactory proof, or the intrigues of the leaders in favour of the accused, never presented any report.[1]

By the Lords the conduct of Buckingham and Arlington, who had condescended to plead their own cause before the house of Commons, was considered derogatory from the dignity of the peerage; and a standing order was made, that no peer should answer any accusation before the Commons in person, or by counsel, or by letter, under the penalty of being committed to the custody of the black rod, or to the Tower, during the pleasure of the house. In obedience to another order, all the peers in attendance, whether Protestants or Catholics, took the oath of allegiance, which had been framed in the third year of James I., as a renunciation of the temporal claims ascribed to the pope, and of the anti-social doctrines imputed to the Catholics. The duke of York hesitated at first. It had never been proposed to princes standing in the same relation with himself to the throne, and he was unwilling to establish a precedent to bind those who might succeed him. But some of the lords making a distinction between heir-presumptive and heir-apparent, he waived the objection, and took the oath in the same manner as all the other members of the house.[2]

In the mean while the Commons betrayed no disposition to grant a supply, and Charles, weary of the war, sought some expedient to disengage himself without disgrace from his connexion with France. The allied sovereigns no longer retained that proud superiority which they had won in the first year of hostilities. By sea the English had gained no considerable advantage; by land the tide of success had turned in favour of the States. Spain and Austria had come forward to their aid: Montecuculi, the imperial general, had deceived the vigilance of Turenne, and laid siege to Bonn; the prince of Orange, having reduced Naerden, by a bold and skilful march joined Montecuculi; Bonn surrendered and the army which maintained the French conquest in the United Provinces, cut off from all communication with the mother country, was compelled to make a precipitate retreat on the ancient frontiers of France. At this moment, the States made to Charles, through the Spanish ambassador, Del Fresno, an offer of

[1] C. Journ. Jan. 15, 20, 21, Feb. 18. Parl. Hist. iv. 649, 657. Burnet, ii. 38.

[2] Lords' Journ. xii. 606, 608, 612. Macph. Pap. i. 71.

acceding to the terms which they had refused at the congress of Cologne.[1] This unexpected step was differently interpreted by their friends and foes: the truth is, that the concession was the price at which the States had purchased the aid of Spain. The queen-regent refused to engage in a war with England; and her ambassador, when he signed the public treaty of alliance, received from the States a secret power of negotiating with the English king on the following basis: that the conquests on each side should be restored; that the honour of the flag should be yielded to Charles; and that a sum of money, not exceeding eight hundred thousand crowns, should be paid to him as an indemnification for the expenses of the war.[2] Whether Louis had obtained information of the secret, is uncertain. During the autumn he refused to the king an advance of money; now he offered, through his ambassador Ruvigni, a large sum toward the equipment of the fleet. But Charles had communicated the proposal of the States to both houses of parliament, and had been advised by them to commence the negotiation. He replied to Ruvigni, that he had gone too far to recede; that necessity prevented him from supporting France any longer as her ally, but that he still hoped to be of service to his good brother as mediator between him and his opponents. Sir William Temple was appointed to negotiate with Del Fresno; in three days the articles were satisfactorily adjusted; and Charles announced to his parliament, that he had concluded "a speedy, honourable, and, he trusted, a lasting peace."[3]

By this treaty, the king obtained the substance of his demands in the summer of 1672, with the exception of an acknowledgment for the permission to fish in the British seas, the mention of which was carefully avoided by both powers. The States consented that their ships and fleets should lower their flags and topsails to every British man-of-war, on any part of the sea from Cape Finisterre to Van Staten in Norway, as a matter of right, and not merely of compliment; that the English settlers in Surinam should be freely permitted to leave that colony in English ships; that all subjects of dispute between the East India companies of the two nations should be referred to the decision of arbitrators, to sit in London; that whatever questions might not be determined by them in the space of three months should be referred to the decision of the queen-regent of Spain; and that the States should pay to the king of Great Britain the sum of eight hundred thousand crowns by four yearly instalments. Charles had formerly demanded for the prince of Orange the dignity of stadtholder, admiral, and captain-general, both to him and his posterity for ever; but the States prevented the agitation of the question by conferring those offices on him and his heirs a few days previously to the opening of the negotiation.[4]

The reader is already aware, that ever since the fall of Clarendon, the violent opponents of that nobleman feared the resentment of the duke of

[1] Lords' Journ. 616. [2] Dumont, vii. 242. [3] Lords' Journ. 925, 928, 932. Dalrymple, ii. 96. Temple, ii. 247, 250. It appears that now the committee for foreign affairs, or the cabinet council, consisted of Finch, lord keeper, Viscount Latimer, lord treasurer, and the earl of Arlington and Sir Henry Coventry, secretaries of state.—Temple, ibid.

[4] Dumont, vii. 253. There was added a secret article, that neither power should assist the enemies of the other; but this was explained to mean, not that Charles should recall the English troops serving in the French army, but that he should not suffer them to be kept up to their full complement by recruits.—Temple, ii. 250.

York, and considered their own safety to be intimately connected with his exclusion from the throne. The duke's subsequent adoption of the Catholic creed had furnished them with an advantage of which they were not slow to avail themselves. They appealed to the religious passions of the people; they magnified the danger which threatened the Protestant church; and they called for the establishment of securities, which, though they equally affected the whole body of Catholics, were in the intention of the framers chiefly directed against the duke's right to the succession. Their first step towards his exclusion was the enactment of the test, which not only stripped him of the extensive influence attached to his office of lord high admiral, but held him out to the people as unfit to be trusted with employment under government, and consequently still more unfit to fill the most exalted magistracy in the state. Their next attempt was to expel him from the house of Lords, and from the councils and the presence of his brother; and for this purpose they had devised a more comprehensive test,[1] and moved in the last session, that whoever refused to take it should be disabled from sitting in parliament, and prohibited from approaching within five miles of the court. This bill had been arrested in its progress by the prorogation; it was now introduced a second time under more favourable auspices: yet so numerous were the questions urged on the attention of the house, so long and tedious the debates, that its patrons were unable to carry it farther than the second reading before the prorogation of parliament. At the same time, in the house of Lords, a different plan of securities had been devised and adopted; to disarm all Catholics, to prevent the princes of the blood from marrying any but Protestants, and to provide that all the younger branches of the royal family, the eldest sons of Catholic peers, and all the children of other Catholics, if the father were dead, should be brought up Protestants. The earl of Carlisle moved that, to a prince of the blood, the penalty for marrying a Catholic should be the forfeiture of his right to the succession. He was warmly supported by Halifax and Shaftesbury, and as warmly opposed by the lord keeper and the earl of Peterborough; the bishop of Winchester, with several of the prelates, came to the aid of the latter, maintaining that such a penalty was inconsistent with the principles of Christianity and the doctrine of the church of England; and after a long and animated debate, the amendment was rejected by a triumphant majority.[2]

The duke of York had now but a cheerless prospect before him. He was fully aware of the object of his enemies, of the talents and influence of some, and of the reckless unprincipled character of others. He saw that his power and popularity were gone; the wavering disposition of his brother forbade him to place his reliance on the support of the throne; and the victory which he had recently obtained in the house of Commons was so trifling, that it could not impart

[1] The notion of a more comprehensive test originated from the small number of resignations which had followed the enactment of the last. It had disappointed the expectations of its more ardent advocates. —Marvell, i. 458. Instead of inferring, which was the truth, that they had overrated the real number of Catholics in office, they included in the new test a denial of more of the Catholic doctrines; as if the men, if any such there were, who had not hesitated to abjure a part of their creed for the preservation of their places, would not as readily, through the same motive, abjure the remainder.

[2] L. Journ. xii. 618, 626, 647, 649. C. Journ. Jan. 21, Feb. 5, 20. James, i. 489. Macph. 71, 72, 75, 79.

confidence, though it might exclude despair. The first expedient which suggested itself to his mind, was a dissolution of parliament; but the result of another election was uncertain; and Charles, who had always betrayed an insuperable dislike to the experiment, would, he said, try the temper of the house of Commons once more. If they granted him a supply, they should continue to sit; if they refused, he would then dissolve them. The duke next resolved to retard, as much as was in his power, the meeting of parliament, the only opportunity which his enemies would have of accomplishing their purpose.[1] But for this it was necessary to supply his brother with money; and money could be procured only from the king of France. Fortunately, however, for his object, the views of Louis, in respect to the meeting of parliament, coincided with his own.

That prince, though deserted by his ally, still proved a match for his enemies. If he lost Grave, he had gained several battles; and the relinquishment of his conquests in the Netherlands had been more than balanced by the acquisition of the important province of Franche-comté. Yet he had reason to dread the accession of England to the confederacy against him, and willingly listened to the duke of York, who suggested that he should purchase the neutrality, by relieving the wants, of his English brother. The sum demanded was four hundred thousand pounds; but Louis pleaded the immense charges of the war, and the exhaustion of his treasury; Charles descended to three hundred thousand pistoles; five hundred thousand crowns were at length offered and accepted; and the parliament was prorogued by proclamation from the 10th of November to the 13th of April. The three parties professed themselves satisfied. Charles obtained a temporary relief from his pecuniary embarrassments; Louis was freed from the apprehension of a war with England during the approaching year; and James had gained an additional delay of five months to watch the secret intrigues, and prepare against the intended attack of his opponents.[2]

But whom, it may be asked, did those opponents mean to substitute in his place as presumptive heir to the crown? Hitherto they had fixed their eyes on the young duke of Monmouth; nor was it unreasonable in them to hope that the king's partiality for his son would serve to reconcile him to the exclusion of his brother. Neither did Monmouth himself appear indifferent to the splendid prize which solicited his pursuit, or prove inattentive to the suggestions of those who flattered and irritated his ambition. By their advice, he begged of Charles the appointment of commander-in-chief, which had been abolished, at the death of Monk, as an office dangerous to be placed in the hands of a subject, at a time when revolutionary principles were still cherished in the country. James was alarmed, and remonstrated against the measure; but the affection of the king refused to listen to his arguments, and the patent was engrossed,

[1] See Coleman's Letter in Journals of the Commons, ix. 525.

[2] Dalrymple, ii. App. 98, 99. Dalrymple observes that the information in the letters of Ruvigni tallies well with the beginning of Coleman's correspondence. It does more; it shows the busy, intriguing disposition of Coleman, which was so well known to the duke, that he was not trusted by him. Coleman sought to procure money from Louis through Ferrier and Pomponne, at the very time when this bargain was concluded with Ruvigni; and so ignorant was he of its existence, that he afterwards attributes the prorogation to the advice given by himself and his friends.—Coleman's Letter, Com. Journ. ix. 526.

and received the royal signature. The duke of York, however, had his suspicions. He took it up from the table; his jealous eye immediately discovered several erasures; and these, on examination, proved to be obliterations of the word "natural," wherever Monmouth was described as the son of the king. Charles, indignant at the fraud which had been practised upon him, tore the paper into fragments; but his anger quickly subsided; the offence was forgiven, and Monmouth obtained a second patent, drawn, however, in proper form, and with the admission of the obnoxious epithet. Still, his advisers were not satisfied. They instructed him to ask also for the command of the Scottish army, the levy of which they attributed to views hostile to the liberties of England. The king, with his usual facility, granted the request; but when Monmouth insisted that this commission should be drawn for life, and without mention of his illegitimacy, he was disappointed in both points by the vigilance and firmness of Lauderdale.[1]

A second, and in many respects a more formidable, rival was William, prince of Orange, the next in succession to the crown after the duke of York and his children. William was a Protestant; his heroic exertions in defence of his country had exalted him in the eyes of all who dreaded the ambitious designs of the French monarch; and some of the popular leaders in England had not hesitated to pledge themselves to his service and to advocate his interests, even at a time when he was at war with their sovereign. The correspondence between them passed through the hands of Du Moulins, who, on suspicion of treachery, had been dismissed from the office of Lord Arlington, and had obtained in Holland the appointment of private secretary to the prince. His agents in England were Frymans, a Dutchman, and William Howard, the member for Winchelsea, and afterwards Lord Howard of Escrick. The first was screened from detection by his obscurity; but the discovery of certain important documents, furnished to the States by Howard, led to his incarceration in the Tower, where he purchased his pardon by an ingenuous confession. The king then became acquainted, for the first time, with the plan arranged between the prince and his English adherents, guided, as it was believed, by Shaftesbury, during the last winter, — that the Dutch fleet should suddenly appear at the mouth of the river; that they should improve the panic which it would occasion, to raise the people; and that the king should be compelled by clamour and intimidation to separate from his alliance with France. The conclusion of peace prevented the attempt, but did not dissolve the connexion. It was proposed, with the aid of money from Holland, to form a party in parliament, which should force Charles to join with the States as an ally in the

[1] James, i. 496, 497. The next year the duke of York was more successful. Russell, colonel of the foot-guards, solicited leave to sell his commission, and the king agreed to purchase it for the earl of Mulgrave, who was afterwards duke of Buckingham. But Mulgrave had seduced the mistress of Monmouth, who, in revenge, extorted, by his importunity, from the king a promise of the regiment for himself (1675, Apr. 24). Mulgrave spoke to the duke. He observed to him, that as the regiment of two thousand four hundred men formed the strength of the army, the succession to the crown might one day depend on the fidelity of its commander. James instantly caught the alarm. He applied to the king, to Monmouth, to the minister, but in vain. At last he prevailed on Russell, in consideration of a valuable present, to pretend that he repented of his design; that it would break his heart to leave the service of his sovereign. From that time James opposed, previously he had favoured, the ambition of Monmouth.—Buck. Memoirs, ii. 33—38. Macph. i. 84.

war; and the prince was not only encouraged to hope for success by exaggerated statements of the national discontent, but advised to be in readiness to take advantage of any revolution which might follow.[1]

The king was aware of the correspondence, but not of the particulars; and his jealousy was augmented by the ambiguous language of the instructions found upon Carstairs, an agent from the prince for the levy of troops. He resolved to watch more narrowly the conduct of Shaftesbury, who already began to practise those arts of exciting the passions of the people, which he afterwards employed to a greater extent, and with a more favourable result. He represented himself as having earned by his zeal for Protestantism the hatred of the papists; under pretence that his life was in danger from their malice, he procured lodgings in the house of Cook, an Anabaptist preacher, and announced to the citizens that he trusted for his safety to their vigilance and fidelity. But the king had no intention that the agitator should gain the ascendancy in the capital. He informed Shaftesbury that he was acquainted with his intrigues; he ordered him to quit London and retire to his house in the country; and he dined in public with the lord mayor on the 29th of October, and accepted, in a gold box, the freedom of the city. On such occasions the king was irresistible. In defiance of the reports circulated against him, he won by his affability and cheerfulness the hearts of the citizens.[2]

During the summer Charles had leisure to decide on the fate of the three ministers who had drawn upon themselves the displeasure of the parliament. He considered Lauderdale as a servant of the crown of Scotland, and resolved to retain him in all his offices in opposition to the votes of the house of Commons. Buckingham he dismissed without regret; and that nobleman immediately joined Shaftesbury, and proved himself a valuable auxiliary in the ranks of his former enemies. Arlington, by the royal command, accepted from Sir Joseph Williamson, under-secretary, the sum of six thousand pounds for the secretaryship of state, and was raised to a more honourable, though less influential, office,—that of chamberlain of the household. He did not, however, disguise to himself the real cause of his removal. He had observed the rapid progress which the new treasurer, lately created earl of Danby, had made in the royal favour; he saw that, to support his own declining credit, it was necessary to render some signal service to the king; and with this view he proposed to him the negotiation of a marriage between William, prince of Orange, and Mary, eldest daughter and presumptive heir to the duke of York. As the prince was a Protestant, such marriage, he argued, would tend to allay the religious apprehensions of the people; and as it would open to him a fair prospect of succeeding to the throne, it might reasonably be expected, in return, that he should divorce himself from his political connexion with the popular leaders, and second the king in his endeavours to mediate a general peace. It was in vain that the duke of York objected; when he claimed the rights of a parent, he was told that his children were the property of the nation; and when he urged the indelicacy of making his daughter the wooer, it was replied, that it would be the care of the negotiator to lead the prince by hints and suggestions to make the first proposal.

[1] D'Avaux, i. 8. Burnet, ii. 56. Burnet, however, should be corrected by Temple, ii. 286, 294, 334, 337.

[2] Macpherson, i. 73. Kennet, 300.

Charles entered warmly into the project, and the earls of Arlington and Ossory proceeded with their families to the Hague, under the pretence of visiting the relatives of their wives, two sisters of the name of Beverwaert, daughters of a natural son of Maurice, prince of Orange. But William had already taken his determination. For Arlington he had contracted an insuperable aversion; and when that minister complained to him in his uncle's name of his reluctance to accept the king's mediation, and of his intrigues against the royal authority, he replied, that peace must depend on the consent of those allies who had so generously rescued his country from the grasp of the invader, and that his honour forbade him to enter into explanations which might compromise the safety of his friends in England. To the earl of Ossory, whom the prince, on account of his naval reputation, treated with more respect, had been assigned the first mention of the intended marriage; but the moment he attempted to introduce the subject, William interrupted him by the laconic remark, that, in the existing circumstances, he was not in a condition to think of a wife. The fact was, that his English adherents were alarmed. They admonished him to be on his guard against the wiles and sophistry of Arlington, and conjured him to reject the proposal of marriage as an artifice devised by his enemies, to destroy his popularity, by persuading the people that he was joined in league with the king and the duke against their liberties and religion. The advice was religiously obeyed; and the envoys, having paid a short visit to their relations, returned to England. Here Arlington found that the failure of his mission did not contribute to raise him in the estimation of his sovereign, and that Danby had improved the opportunity furnished by his absence, to render himself lord of the ascendant.[1]

As the winter passed, the leaders of the two great parties held numerous consultations, to recruit their forces, and arrange their plans against the approaching session of parliament. In the house of Lords the adversaries of the minister could present a small but formidable minority under the duke of Buckingham, the earls of Shaftesbury and Salisbury, and the Lord Wharton; in that of the Commons they formed a numerous party under active and experienced leaders; among whom were Garroway and Lee, veterans, who had long been listened to as oracles in the house; Powle and Littleton, skilled in the knowledge of forms and the application of precedents; Lord Cavendish, distinguished by the versatility of his talents and the elegance of his manners, the votary at the same time of ambition and of pleasure, ardent in his pursuits, and implacable in his resentments; Lord Russell, less brilliant and less eloquent than his friend, but more regular in his morals, and more respected by his colleagues; Sir William Coventry, whose experience easily detected the arts and sophistry of the ministers, and whose apparent want of passion gave the semblance of impartiality to his opinions; and Birch, who had been a colonel in the revolutionary army, and was now the roughest, boldest speaker in the house.[2] To these should be added Meres,

[1] James, i. 500—502. Temple, ii. 287—295, 334. Coleman's Letter, C. Journ. ix. 527. The origin of the prince's aversion to Arlington arose from that minister's attempts in favour of the project to legitimate Monmouth.—Macph. i. 74, 84. When the offer of marriage was made, he knew that the duchess of York was in an advanced state of pregnancy, a circumstance which considerably lessened its value.

[2] Sir Edward Seymour once reflected on Birch's former occupation, that of a common carrier. "It is true," he replied, "I was once a carrier; and it is well for the gentle-

Sacheverell, Vaughan, and several others, ready and zealous debaters on every question; but the master spirit who guided the motions of the whole body, was the earl of Shaftesbury, and to him was occasionally joined the earl of Arlington, who, through his eagerness to humble a successful rival, forgot his obligations to his sovereign, and readily lent his aid to oppose those counsels, in the origination of which he no longer participated. By these it was determined to insist on the recall of the English troops serving in the French army; to advise an immediate union with the allies for the purpose of breaking the power of Louis XIV.; to impeach the earl of Danby; and to refuse all pecuniary aid as long as he should retain the office of lord treasurer. Some of these were popular measures; all were calculated to embarrass the court, and might, by leading to a change of administration, place Shaftesbury and Arlington once more at the head of the government.[1]

Danby, on the other hand, prepared to meet his opponents with a confident anticipation of victory. He had persuaded himself that their success in the last session was owing to the dexterity with which they employed the cry of "no popery," and marshalled in their favour the religious fears and jealousies of the people. He obtained permission of the king to oppose them with their own weapons, and for this purpose, to employ the whole power of government in putting down every species of sectarianism and dissent, and to rally the Cavaliers and the clergy round the throne, by identifying the cause of the church with that of the court. A council was held by appointment at Lambeth; several of the bishops met the lord keeper, the lord treasurer, Lauderdale, and the two secretaries of state; the king's anxiety for the support and prosperity of the establishment was explained, the aid of the prelates and clergy demanded, and a plan of combined operation arranged. In a few days the first fruits of the consultation appeared. A proclamation was published, embodying six orders which had recently been made in council, that all natives who had taken orders in the church of Rome should quit the realm in the space of six weeks, under the penalty of death;[2] that every subject of the three kingdoms, who presumed to attend at mass, either in the queen's chapel, or in any chapel belonging to the foreign ambassadors, should for that offence suffer a year's imprisonment, and pay a fine of one hundred marks, of which a third part should be given as a reward to the informer; that all convictions of popish recusants, particularly among the more opulent classes, should be brought to a conclusion without delay, and certified into his majesty's Exchequer; that any papist, or reputed papist, who should dare to enter the palaces of Whitehall, or St. James's, or any other place where the court might chance to be, should, if a peer, be committed to the Tower; if under the rank of a peer, to one of the common gaols; and lastly, that since all licenses for separate places of worship had been recalled, the laws for the suppression of conventicles should be rigorously enforced.[3]

By the popular party, this proclamation was ridiculed as a weak and

man that he was not one too; for if he had, he would never have been anything else."—Burnet, ii. 80, note.

[1] See Burnet, ii. 80—83, and Temple, ii. 309. Temple was employed by the king to expostulate with Arlington.

[2] In this and all similar proclamations, Mr. John Hudleston was excepted, on account of his services to the king after the battle of Worcester.

[3] Wilkins, Con. iv. 595. Kennet, 301. Burnet, 263.

unworthy artifice to blind the eyes of the people. Among the Catholics and nonconformists, it created considerable alarm. A deputation of ministers waited on the duke of York, reminded him of his frequent declarations in favour of liberty of conscience, and solicited his protection against the intolerant policy of the cabinet. But James had already remonstrated in vain: he had represented to the king that such severity to the dissenters was dangerous, because it might goad that numerous and powerful body to resistance; and with respect to Catholics, it was both ungrateful, on account of their former services to his father, and unnecessary, because, few as they were in number, and incapacitated by tests and disqualifications, they possessed not the power, even if they had the will, of injuring the establishment. But Charles, assured of his brother's submission, cared little for his objections; he even prepared for him a more bitter mortification. In virtue of the royal mandate, the bishop of London conducted the Princess Mary to church, and conferred on her the rite of confirmation, in defiance of the authority of her father.[1]

At the appointed time, the session was opened with a speech from the throne. The king assured the two houses that his great object in calling them together was to come to a right understanding with his parliament, and to expose to the world the hollow and wicked designs of those who sought to drive him to a dissolution. But these men would find themselves disappointed. He was neither so weak nor so irresolute as to part with his friends in order to oblige his enemies. In the speech of the lord keeper, the chief novelty was an awkward attempt to justify the late intolerant proclamation. The government, he said, was placed in a most delicate and difficult situation, between the church on one side, and the dissenters and Catholics on the other. If the king suspended the execution of the penal laws, he was told that he deserted the cause of the church; if he enforced them, he was reproached with the charge of persecution. But it was better to have some rule than none; otherwise universal toleration, and endless confusion, the necessary consequence of toleration, must ensue. The king had followed the rule laid down by the legislature; and, if any man felt aggrieved by it, he was still at liberty to appeal to the wisdom and equity of parliament, the best judge of the real interests of the nation.[2]

Of the plan devised at Lambeth, that part which regarded the suppression of popery was intrusted to the friends of the minister in the house of Commons, where, to such a proposal, no opposition could be expected. Resolutions were accordingly voted, committees appointed, and bills introduced. Still nothing was done. That zeal for orthodoxy, which had formerly animated the members, seemed to be extinct, and not one of the bills proceeded any further than the second reading. The fact was, that the popular leaders ceased to urge the suppression of popery, when their opponents would claim the chief merit of the measure.[3] Their efforts were directed to the pursuit of their own objects. 1. They obtained a renewal of the address to

[1] James, i. 499, 500. Macpherson (i. 75, 81, 84) postpones the confirmation of the princess to the following year.

[2] L. Journ. xi. 653, 654.

[3] Com. Journ. Apr. 16, 17, 21, May 27. Marvell, i. 217, 237, 240. "We were confident," says Coleman, "that the ministers having turned their faces, the parliament would do so too, and still be against them, and be as little for persecution then, as they were for popery before."—Com. Journ. ix. 527.

remove Lauderdale from office; but Charles was now furnished with a ready answer,—that the words laid to his charge, if spoken at all, were spoken before the last act of grace, and must therefore be covered by it; and that the act of the Scottish parliament for the levy of the army necessarily arose out of a preceding act in 1663, when Lauderdale was not the royal commissioner.[1] 2. Lord William Russell called the attention of the house to the conduct of the lord treasurer; and seven articles of impeachment were exhibited against him, charging him with improper use of the authority of his office to deceive the king, enrich his own family, and squander the royal treasure. There appears to have been little ground for any of these charges. But Danby did not rely solely on his innocence; he was careful to purchase adherents in the house, not after the manner of his predecessors, by offering presents to the more eminent speakers, but by seeking out silent votes, which might be procured at a lower price, and therefore in greater number. The articles against him were debated separately, and each in its turn was rejected.[2] 3. Besides Danby, the Dutch and Spanish ambassadors had also been lavish of money. Their object was to procure the revocation of the English regiments in the French army; and their efforts were zealously aided by the popular party. To the address for this purpose presented by the house, Charles replied, that the English corps was inconsiderable in point of number, and he would take care that it should not be recruited. More than this he could not do: to recall it would be inconsistent with his honour. This answer provoked a most vehement debate in a committee of the whole house. On one side it was maintained that the English amounted to eight thousand men; that they formed the chief force in the army commanded by Turenne; and that to their gallantry were owing most of the advantages which had been gained by that general. On the other, it was contended that they did not exceed two thousand horse and foot; that, on the conclusion of the peace with the States, it was mutually understood that they were not to be recalled; and that a much greater number of British subjects were actually serving in the Dutch army under the prince of Orange. On a division, the tellers were charged with negligence or fraud; instantly the leaders who sat on the lowest benches sprung to the table, and the other members on each side crowded to their suppport. Lord Cavendish and Sir John Hanmer distinguished themselves by their violence; and epithets of insult, with threats of defiance, were reciprocally exchanged. The tumult had lasted half an hour, when the speaker, without asking permission, took possession of the chair; the mace, after some resistance, was again placed on the table, the members resumed their seats; and, on the motion of Sir Thomas Lee, a promise was given by each in his turn that he would take no notice out of doors of what had

[1] Burnet disgraced himself on this occasion. Out of ill-humour at the treatment which he had received from Lauderdale, he revealed to his enemies the purport of a confidential conversation with that nobleman, and repeated it, though apparently with reluctance, at the bar of the house of Commons. "The truth is," he says of himself, "I had been above a year in perpetual agitation, and was not calm or cool enough to reflect on my conduct as I ought to have done." By this treachery he lost the favour of the king, and also of the duke of York, who had previously protected him from the resentment of Lauderdale.—Burnet, ii. 63—65. Marvell, i. 221.

[2] Com. Journ. Apr. 26, 27, 30, May 3 Parl. Hist. iv. 688—695. Burnet, ii. 69. Marvell, i. 225, 227, 426. If we may believe Coleman, two hundred thousand pounds was spent in bribes by the different parties during this session.—Com. Journ. ix. 528.

happened within. The discussion of the question was again brought forward. On one occasion the ministers obtained the majority by a single voice; on another they were defeated by the casting vote of the speaker. A new address was ordered; but there is no evidence that it was ever presented.[1]

The more important part of the ministerial project, the panacea for all the evils of the nation, was reserved for the house of Lords, in which the court was assured of an overwhelming majority. This was introduced in the shape of a test to be taken by all members of parliament, by privy councillors, magistrates, and all persons holding office under the crown. The test itself was made up of the several oaths and declarations which, by successive acts of parliament since the restoration, had been imposed upon members of corporations, officers of the army, and ministers of the church. These acts, however, had been passed at a time when the nation had not recovered from that phrensy of loyalty into which it had been thrown by the return of the king: now the minds of men had been allowed leisure to cool; an intention of establishing arbitrary power had, by report, been attributed to the king; and the doctrines of the year forty-one had begun to resume their former influence. That protection and allegiance are correlative, and that the law which secures the rights of the people, sanctions resistance to the invasion of those rights, were principles openly inculcated and maintained; and it was to check their diffusion, and to remove their supporters from parliament and office, that the non-resisting test had been devised. The king interested himself warmly in its success. He attended daily, standing as a spectator at the fire-side; but his presence, though it might animate the champions of the court, did not dismay or silence their opponents.[2] The debates occupied seventeen days, often from an early hour till eight in the evening, sometimes till midnight. It is acknowledged, that on no former occasion had such a display of eloquence and ability been exhibited in that house; never had any question been discussed with so much obstinacy and address. The lords who chiefly distinguished themselves by their advocacy of the measure, were the lord treasurer, the lord keeper, and the bishops Morley and Ward; and to these were opposed the acknowledged leaders of the popular party, with two Catholic peers, the marquess of Winchester and the Lord Petre.[3] The former argued that the principle of the test had already been recognised in the acts for corporations, the militia, and the church; that the only object of the present bill was to render that principle more generally useful by extending its operation; that it would thus offer a sufficient security both to church and state, and at the same time a security so "moderate," that it could not be refused by any but those who cherished seditious and anti-monarchical sentiments, and who, on that very account, ought not to be trusted with the

[1] Com. Journ. May 8, 10, 11, 20, June 2. Parl. Hist. iv. 699—709. Marvell, ii. 232. Cavendish and Newport, in consequence of their behaviour on this occasion, were forbidden the court.—Ibid. 526.

[2] "If not the sun, the fire-side was always in their faces."—Marvell, i. 516.

[3] In Macpherson's Extracts, we are told, that when Shaftesbury applied to the Catholic peers for their support, some replied that they dared not oppose the king. It might provoke him to execute the penal laws against them, perhaps to seek their exclusion from parliament, in which they knew from experience that Shaftesbury's party would concur. "He swore that he and his friends never would, and wished that his tongue might cleave to the roof of his mouth, if he ever spoke for so unjust a thing."—Macph. i. 80.

office of making or of administering the laws. Their opponents replied, that the question was now altered; that while the test was confined to persons in inferior situations, there remained the high court of parliament to explain its meaning and control its application; but that now it was intended to bind the parliament itself, and to make all ranks of men dependent on the pleasure of the sovereign. Such a test invested both the crown and the mitre with a divine right, which could not be controlled by any human power, and amounted in effect to a "dissettlement of the whole birthright of England."

When it came to be debated in its several parts, the opposition lords objected that the first clause, which pronounced it "unlawful, on any pretence whatsoever, to take up arms against the king," was calculated to provoke doubts and questions, which a wise administration would seek to prevent. What, it might be asked, was the distinction between passive obedience and the unlawfulness of resistance in any circumstances whatsoever; where the difference between an absolute government and a limited monarchy, if there were no boundary to submission under either? Against the second, that it "is traitorous to take up arms by the king's authority against his person" (an allusion to the language of the parliament during the civil war), they argued, that circumstances might occur, as in the case of Henry VI., in which such taking up of arms might tend to the benefit and safety of the sovereign; and the third, which extended the same doctrine to the employment of force against persons commissioned by the crown, they described as leading to the most oppressive and alarming results. It specified neither the object of the commission, nor the qualification of the commissioner; but made it treason to oppose with force the unlawful aggression not only of sheriffs and magistrates, but even of naval and military officers; for all these were armed with commissions from the king, and might pretend to act in "pursuance of such commission."

The great struggle, however, remained. The oath was at first conceived in the following words:—"I do swear that I will not endeavour the alteration of the government either in church or state." The practice of multiplying oaths was represented as impious, by holding out temptations to perjury, and as useless, because oaths bind only men of honourable and virtuous minds, from whom sedition or rebellion is not to be apprehended. But to this oath in particular it was objected, that if it were made a necessary qualification for a seat in parliament, it would operate to the disherison both of the people and the peerage; of the people, by trenching on their right of intrusting to men of their own choice the power of imposing the public taxes; and of the peerage, by depriving the peers who should refuse to take it, of the right to which they were born, of sitting in that house, and taking a part in the discussion of all subjects debated within its walls. The latter part of this objection was urged with so much vehemence, that the ministers deemed it prudent to yield. The lord treasurer proposed a resolution, which, at the suggestion of the duke of York, was changed into a standing order of the house, that "no oath should ever be imposed, by bill or otherwise, the refusal of which should deprive any peer of his place or vote in parliament, or of liberty of debate therein."[1]

When the house proceeded to con-

[1] L. Journ. xii. 673. Macph. i. 81. In lieu of the oath proposed by the bill, and

sider the form of the proposed oath, the bishops were exposed to the profane jests and irreverent sarcasms of the duke of Buckingham, and called upon to answer several searching and vexatious inquiries by the dissenting peers. What, it was asked, was this episcopal government, to which the subject had now to swear allegiance? From whom did the prelates profess to derive their powers? They replied, that the priesthood, and the powers of the priesthood, came to them from Christ; the license to exercise those powers from the civil magistrate. "But," exclaimed the Lord Wharton, "excommunication is one of those powers; do you derive from the sovereign the license to excommunicate the sovereign?" This, it was answered, was to suppose an extreme case which had never arrived, and probably never would arrive. Others observed, that the oath provided only for "the government," or discipline of the church; why were its doctrines omitted? The government of the church of Rome was episcopal; no Catholic would object to take the oath, even if at the same time he should meditate the subversion of one church and the establishment of the other. This objection alarmed the lord treasurer, and he offered to add the words "the Protestant religion." "But what," asked the earl of Shaftesbury, "is the Protestant religion? Where are its boundaries? How are they to be ascertained?" The bishop of Winchester replied, that the Protestant religion was comprehended in the thirty-nine articles, the liturgy, the catechism, the canons, and the homilies. His opponent again inquired, whether everything contained in these five books were part and parcel of the Protestant religion? If so, then it must be contended that their authors were infallible, and had laid down nothing which ought to be rejected or reformed. If not, then the objection recurred: the precise limits of the Protestant religion were unknown, and no man could conscientiously bind himself by oath never to alter a system, with the real extent of which he was unacquainted. To escape from the difficulty, the words "now established by law in the church of England" were added.

From the government of the church, the debate proceeded to the government in the state. Here the opponents of the measure renewed the struggle with equal obstinacy. Were the civil institutions of the country so perfect as to admit of no improvement? Could no combination of circumstances ever occur to make some alteration expedient? Let the house give its sanction to this part of the oath, and the chief privilege of the peerage was gone for ever. They might assemble and vote supplies; but to legislate on any subject connected with the government of the country would be a violation of the test. They must abandon their duty as a part of the legislature, or perform it under the guilt of perjury.

At length, after a variety of amendments and adjournments, divisions and protests, the declaration and oath were passed in the committee, in the

all other tests to be taken by members of parliament, the following was moved as an amendment by the marquess of Winchester:—"I swear that I will never by threats, injunctions, promises, advantages, or invitations, by or from any person whatsoever, or through the hope or prospect of any gift, place, office, or benefit whatsoever, give my vote otherwise than according to my opinion and conscience, as I shall be truly and really persuaded upon the debate of any business in parliament." Such an oath would probably have been as unpalatable to the opponents as to the adherents of the minister. It was, however, seconded and supported; and the odium of rejecting it was left to the lord keeper, who contended, that the hope of reward was not incompatible with integrity of conduct, but sometimes necessary to stimulate the indolent and the indifferent.—Parl. Hist. iv. App. lxii.

following improved form:—"I, A. B., do declare that it is not lawful, on any pretence whatsoever, to take up arms against the king; and I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him according to law, in time of rebellion and war, and acting in pursuance of such commission. I, A. B., do swear that I will not endeavour any alteration of the Protestant religion now established by law in the church of England, nor will I endeavour any alteration in the government in church or state, as it is by law established." There only remained to determine the penalty of a refusal to take the test, which, in defiance of all the efforts of the opposition, was fixed at a fine of five hundred pounds, and incapacity to hold office or commission under the crown. But as this incapacity did not affect the right of sitting in either house, the members of both were made subject to a repetition of the fine in every succeeding parliament.[1]

To retard the progress of the bill, had been the great object of the country party in the house of Lords; to throw it out, was to be the achievement of their associates in that of the Commons. But even there much had lately happened to shake their confidence in their own power; the fate of the impeachment of Danby, and the rejection of a bill to prevent members from accepting places under government, had convinced them that the ministers could command the votes of many secret, but faithful, adherents. To relieve them from their apprehensions an event occurred, which, if it were not, as is probable, originally contrived, was at least most dexterously improved, to suspend the course of ordinary business in both houses, and to provoke a dissolution, or at least a prorogation, of parliament. At all times an appeal by writ of error lay from the decisions in the courts of law to the house of Lords, as the supreme judicature in the nation; and, during the reign of James I., similar proceedings had been introduced relative to judgments in Chancery. It happened that at this period the defendants in three of these appeals to the justice of the Lords possessed seats in the house of Commons; and when notice to appear was served on Sir John Fagg, one of the three, the house voted such a notice a breach of privilege. The Lords insisted on their claim. Theirs was the only court to decide on writs of error or appeal; they sat only at the same time with the house of Commons; and therefore, if they could not hear causes in which the members of that house were parties, a denial of justice must follow. The Commons disputed the inference—it might be a suspension, but not a denial of justice—the appeal might be heard when the parties were no longer entitled to the privilege of parliament. Nothing could be weaker than such reasoning; but they compensated for its weakness by the vigour of their conduct. They committed to the Tower, Shirley and Stoughton, two of the appellants; resolved that to prosecute in the house of Lords any cause against a member of their house was a breach of privilege; declared that no appeal lay from the courts of equity to any other tribunal; and voted that four bar-

[1] For this important debate, see the Lords' Journals, xii. 665, 669, 671, 673, 674, 677, 682; Parl. Hist. iv. 7, 14, 721, App. xviii. xlvii.; Burnet, ii. 71, 74; Marvell, i. 510, 518; North, 62. The test was originally devised by Clarendon; but his son, who on the death of the exile had succeeded to the title, constantly opposed it. His name is in all the protests entered on the journals; and the king was so displeased with his conduct, that he deprived him of his place of chamberlain to the queen.—Marvell, i. 227.

risters, who by order of the Lords had pleaded before them in one of the appeals, should be taken into custody. This last insult set the higher house in a flame, and the opponents of the test, whose real aim was to foment the quarrel, were the foremost to defend the rights of the peerage. The captive barristers were rescued by the usher of the black rod from the grasp of the serjeant-at-arms, who suddenly absconded, that he might escape the punishment with which the house of Commons had determined to visit his pusillanimity or negligence. Two days afterwards, the speaker, as he passed through Westminster Hall, arrested Pemberton, one of the barristers, and took his prisoner with him to his chamber;[1] the new serjeant-at-arms brought the other three out of the court of King's Bench, and all four were conveyed to the Tower. The house of Lords was not slow to undertake their protection. A message was sent to the lieutenant to set them at liberty, and when he demurred, four writs of habeas corpus were forwarded by the lord-keeper, commanding him to produce his prisoners before the king in his high court of parliament. The lieutenant was perplexed. He consulted the house of Commons, which forbade him to obey the writs; and, in this choice of evils, he preferred, as the less dangerous, to incur the displeasure of the Lords.[2]

During the altercation, Charles had addressed both houses in the tone, and with the dignity, of a master. They were, he told them, the dupes of men enemies to him and to the church of England; the authors of the quarrel sought not the preservation of privilege, but the dissolution of parliament: let the two houses confer coolly and dispassionately together; they would easily discover the means of reconciliation, or, if they did not, he would judge impartially between them, for he could not sit a silent spectator of a dispute which threatened to spread itself through the nation, for a mere question of privilege. But his advice was disregarded; the irritation of the parties was nourished by repeated acts of mutual defiance; and the king, to suspend the prosecution of the quarrel, prorogued the parliament.[3]

Though Charles in his speech made no allusion to his own wants, yet his promise to meet them again in a short time led to a suspicion that the government was reduced to the lowest state of pecuniary distress; and the leaders of the country party resolved to persist in their plan of opposing a supply, with the hope of provoking a dissolution either of the ministry or of the parliament. The first would offer to their ambition the offices held by their opponents, the latter would be succeeded by a general election, in which they promised to themselves a decided superiority. The houses accordingly met, and the king solicited the aid of his people to pay off the anticipations on the revenue, amounting to eight hundred thousand pounds, and to put the navy in a condition to maintain the dignity of the British flag.[4] In the committee on

[1] Burnet (but to Burnet alone little credit is due) tells us, that Seymour the speaker was "the most immoral and impious man of the age, the unjustest and blackest man that lived in his time." Of his pride, an instance is related by Lord Dorchester, that when his carriage broke down near Charing Cross, he took possession of the first gentleman's carriage that came by, and turned out the owner, telling him it was more proper that he, than the speaker of the house of Commons, should walk in the street.—Burnet, ii. 70, note.

[2] L. Journ. 679, 680, 691, 694, 698, 700, 706, 710, 713, 716, 718, 720, 723, 725, 727. Com. Journ. May 5, 15, 28, June 1, 4, 8. Marvell, i. 517. Burnet, ii. 75. Parl. Hist. iv. 721. St. Trials, vi. 1121.

[3] Com. Journals, June 5, 9. L. Journ. 725, 729.

[4] The reader is aware that it was the custom to "anticipate," that is, to mort-

the royal speech, the ministers obtained at first the majority by the casting vote of the chairman; but on a second division they were defeated by a small majority, and the house refused to entertain the question of supply on account of anticipations. This was a severe disappointment; yet Danby did not despond: a long session would afford him the opportunity of appealing to the ambition and cupidity of the members; and it was possible that several might oppose the court now, with the sole view of obtaining a higher price for their future services. The house proceeded with the public business. It was voted that four hundred thousand pounds per annum should be taken from the customs, and applied to the maintenance of the navy; that a sum of three hundred thousand pounds should be raised and placed in the chamber of London, and be appropriated to the building of twenty ships of war; that papists should be disabled from sitting in either house of parliament; that a bill should be introduced to recall the English forces serving in the French army; and that a remedy should be devised to prevent bribery in elections. In the divisions which these questions produced, the balance inclined alternately in favour of the opposite parties; and the majorities were so trifling, that it was impossible to foresee which would ultimately obtain the superiority.[1] In the house of Lords, Shirley hastened to revive the question of his appeal. Each party sought to cast on the other the odium of the measure; but the subsequent proceedings show that the appellant acted under the advice, or by the instigation of Shaftesbury and his friends. In the debate, which was continued by adjournment for several days, that nobleman displayed extraordinary eloquence and warmth, and obtained, in defiance of the ministers and the prelates, the appointment of a day for the hearing of the appeal. It might be that, as he pretended, he sought to establish beyond dispute the claim of the peerage; but he had moreover a private and more interested motive. He was the author of a pamphlet recently published under the title of "A Letter from a Person of Quality to a Friend in the Country," purporting to detail the debate in the last session on the question of the non-resisting test. This tract the house voted "a lying, scandalous, and seditious libel:" it was ordered to be burnt by the hand of the common hangman, and a committee was appointed to discover the author, printer, and publisher. Under such circumstances, the renewal of the quarrel between the houses offered him the best shelter from prosecution. In the Commons, attempts were made to revive the violent votes of the last session against the claim of the peers; but they were constantly defeated by the court party, who on this subject commanded a large majority, and procured a vote for a conference, "to preserve a good understanding between the two houses." In that meeting they suggested that, according to the royal advice, all subjects of national interest should take precedence of the question of judicature; but Shaftesbury opposed the expedient under different pretexts, and a resolution was carried to hear the appeal on the following morning. The resentment of the Commons could no longer be restrained; in one house the obnoxious votes were revived;[2] in the other,

gage, certain branches of the revenue for the payment of the capital and interest of loans of money.

[1] Com. Journals, Oct. 19. Parl. Hist. iv. 751—757. Marvell, i. 253—268.

[2] Marvell, i. 270, 271. Com. Journ. Nov. 18, 19. L. Journals, xiii. 29. Somers's Tracts, viii. 43.

Lord Mohun moved an address for the disolution of the parliament. Thus a new subject of contention was raised, which called forth the whole strength of the two parties. The popular leaders supported the motion, on the ground that frequent parliaments were required by the ancient constitution of the kingdom; that the existing house of Commons, chosen in 1661, did not in fact represent the sense of the nation in 1675; and that the pretensions which it set forth, the violence which it displayed, the superiority which it assumed, had led to a state of things, in which the parliament, instead of proving a national benefit, had become a useless incumbrance; but that with a new house, the real representatives of the people, no cause of dissension would exist; the restoration of harmony would enable parliament to provide for every interest, to grant supplies to the crown, to establish securities for the church, to extend indulgence to dissenters, and to secure to the Catholics the possession of their property and hereditary honours. On the other hand, the minister and his adherents contended, that a dissolution was both unnecessary and dangerous. As former dissensions between the houses had been healed, so the present was not without its remedy. Whatever might be the faults of the house of Commons, the civil and religious principles of its members had been proved. A new election might introduce new men, hostile both to the church and the throne; anti-monarchical doctrines might regain the ascendancy; and the miseries of the year forty-one might be renewed. Hitherto the duke of York, however he might disapprove, had deemed it his duty to abstain from all open opposition to the measures of government: on this occasion he gave his powerful aid to Lord Mohun; and his example drew after it the support of his adherents and of the Catholic peers. The minister was alarmed; his adversaries outnumbered his followers in the house; and it was only through the aid of proxies that he was able to obtain the small majority of two votes. The consequence was, an immediate prorogation; not for a short space, after the usual manner, but for the unprecedented duration of fifteen months.[1]

During this session an adventurer made his appearance on the public stage, the prototype of the celebrated Titus Oates. He was a foreigner, the son of Beauchateau, an actress in Paris, and had passed, with little credit for truth or integrity, through the several situations of usher in a school, servant to a bishop, inmate in a monastery, and companion to an itinerant missionary. A forgery, which he committed at Montdidier, in Picardy, compelled him to flee from the pursuit of justice; and he arrived in London, under a feigned name, without money and without friends. But his ingenuity did not desert him. He called himself Hyppolite du Chastelet de Luzancy; he professed an anxious desire to conform to the church of England; and in the pulpit at the Savoy he read his abjuration, and delivered a discourse stating the grounds of his conversion. Instantly the French Jesuit (so he was now styled) became an object of interest to the zealous and the charitable; contributions flowed to him from numerous quarters; and his only anxiety was to secure the means of support after the first excitement which he had caused should have died away. Three months after his conversion, he gave information to some

[1] L. Journ. xiii. 33. According to the list preserved in Oldmixon, the contents were forty-one temporal peers and seven proxies; the non-contents, twenty-one temporal peers, thirteen bishops, and sixteen proxies.—Oldmix. 591.

of the popular leaders that, about a month before, Father St. Germain, who, for greater effect, was described as confessor to the duchess of York, had surprised him in his lodgings, and, holding a poniard to his breast, had compelled him, with the threat of instant death, to sign a recantation and a promise to return to his native country. Neither the improbability of the tale, nor the time that had been suffered to elapse, seems to have awakened suspicion. Lord Holles communicated the important intelligence to the king in the house of Lords; Lord Russell introduced it to the notice of the house of Commons; and the parliament, the court, the city, the country, resounded with cries of astonishment at the insolence of the papists. The king published a proclamation for the arrest of St. Germain, wherever he might be found; the Lords brought in a bill for the encouragement of monks and friars in foreign parts to leave their convents and embrace the reformed faith; and the Commons ordered the lord chief justice to issue his warrant for the apprehension of all Catholic priests, recommended Luzancy to the protection and bounty of the king, and passed a bill for the exclusion of papists from the two houses of parliament, and from the court. The convert was examined before the privy council and a committee of the house. He persisted in his former tale; he added, that he had learned from some French merchants, that in a short time Protestant blood would flow through the streets of London, and from St. Germain that the king was at heart a Catholic; that the declaration of indulgence had been framed for the purpose of introducing popery; and that there was an infinite number of priests and Jesuits in London, who did great service to God. But the minds of men began to cool. His additional information, which was merely a repetition of the idle reports circulated in the coffee-houses, did not serve to raise his credit for veracity; and when he was told to produce his witnesses, the absence of some, and the utter worthlessness of the others, shook the faith of his supporters. About the same time, Du Maresque, a French clergyman of the reformed church, published a history of Luzancy's adventures in France; and soon afterwards a pamphlet appeared, detailing the particulars of his life in the metropolis, and refuting his charge against St. Germain; and, though Du Maresque was severely censured by the bishop of London, and the distributor of the pamphlet threatened by the privy council, the prosecution of the inquiry was at first suspended, and, for obvious reasons, never afterwards resumed.[1]

I shall conclude this chapter with a few notices respecting the transactions in the two kingdoms of Scotland and Ireland. 1. In Scotland the chief attention of the government was devoted to the difficult task of maintaining the episcopal authority, in opposition to the religious feelings of the people. That Charles disapproved of the severities which had driven the western Covenanters into rebellion, cannot be doubted; and it was observed that, in proportion as the

[1] Com. Journ. Nov. 8. L. Journ. xiii. 21. Parl. Hist. iv. 780. Marvell, i. 265, 266. Mereshy, 29—31. Wood, Ath. Oxon. iv. par. ii. col. 350, 351. Compton, the new bishop of London, and the "great patron of converts from popery" (Burnet, ii. 88), ordained Luzancy about Christmas, and sent him to Oxford, where, on January 27th, he was admitted master of arts, at the recommendation of Ormond, the chancel While he remained in Oxford, a transaction of a swindling description brought his name before a court of justice; soon afterwards the nation was thrown into a ferment by the pretended discoveries of Titus Oates; and Luzancy, "by favour of the bishop of London," was admitted "ad pres. regis," vicar of Dover-court, in Essex, 18th Dec. 1678.—Wood, ibid.

influence of Clarendon declined, more lenient measures were recommended to the Scottish council. The punishment for the refusal of the declaration was restricted to the imprisonment of the offender; the regular troops, which had been so actively employed in the execution of the penal laws, were disbanded; Archbishop Sharp received an order to attend to the spiritual concerns of his diocese; and Rothes was deprived of his high office of royal commissioner, though, to console his wounded feelings, he obtained in return the chancellorship for life. The earl of Tweedale succeeded him as head of the government; but Lauderdale, by his office of secretary of state, possessed superior influence with the sovereign. Both of these noblemen were Presbyterians by principle; but they disregarded the nice distinctions of the theologians, and persuaded themselves that by mutual concession the two parties might be brought to coalesce. Their object, therefore, was to maintain the episcopal establishment, but at the same time to offer to its adversaries such terms as might induce them to desist from all active opposition. To the Covenanters in the west it was proposed, that the government should abstain from prosecution for past offences, provided they would bind themselves to keep the peace, under the penalty of forfeiting one year's rent of their respective estates. But here a theological question arose. What, it was asked, did the council understand by keeping the peace?—"To perform the duties of righteousness commanded by the law of God?" This was an obligation incumbent on all Christians. Not to violate the laws, which had been made in opposition to the covenant? Such an engagement was unlawful and anti-christian. That the latter was the real meaning, could not be doubted: if many submitted, a greater number refused to subscribe the bonds; and Tweedale, after a short trial, abandoned a measure which seemed more likely to produce disturbance than tranquillity.[1]

About this time happened an event which revived the angry passions of the two parties. Among the men who had fought for the covenant at Rullion Green, was a "youth of much zeal and piety," named James Mitchell. After the defeat he brooded over the sufferings of his brethren, till he had wound up his mind to the highest pitch of enthusiasm, and believed that he felt a call from Heaven to avenge the blood of the martyrs on the apostate and persecuting prelate, Archbishop Sharp. It was a little after mid-day; the archbishop's carriage drove to the door, and Mitchell took his station with a loaded pistol in his hand. Sharp came from the house, followed by Honeyman, bishop of Orkney. The first had already seated himself, when the assassin discharged his pistol; but at the very moment Honeyman raised his arm to enter the carriage, and received the ball in his wrist. To the cry that a man was killed, a voice replied, "It is only a bishop." Mitchell crossed the street, walked quietly away, changed his coat, and mixed again with the crowd. The council offered a tempting reward for the apprehension of the assassin, but six years elapsed before he was discovered.[2]

This daring outrage did not, how-

[1] Wodrow, 277, 278. Kirkton, 266, 272. Burnet, i. 414, 420. Lamont, 252.

[2] Wodrow, 292. Kirkton, 278. Burnet, i. 481. It was urged in defence of Mitchell, that he acted like Phineas, by divine impulse. Annand, dean of Edinburgh, replied that could not be, otherwise he would have succeeded in the attempt. To evade this argument, it was remarked, that "Israel failed against the city of Ai, because there was an Achan in the camp, and, alas! there are many Achans in the camp of our Israel."—Kirkton, 366, note.

ever, provoke Tweedale to recede from his purpose. He still hoped to win by conciliation, where he despaired of prevailing by severity. He made to the ejected ministers an offer, called "the indulgence," that they might enter on their former churches, if these were vacant, or on any other at the nomination of the patron, enjoy the manse and glebe without stipulation, and in addition receive the annual stipend, provided they would accept collation from the bishop, and attend the presbyteries and synods. The moderation of the proposal alarmed the more zealous, or more fanatic of the Covenanters; they pronounced it a snare for the consciences of the unwary; besides the consent of the patron, a call from the parish was necessary for the lawful exercise of the ministry; and, moreover, to accept any ecclesiastical office at the invitation of the civil power, was a backsliding towards Erastianism. In defiance of this reasoning, three-and-forty ministers accepted the offer of the government; but they soon discovered that, at the same time, they had forfeited the confidence of the people. They no longer preached with the fervid eloquence of men suffering persecution. Their exhortations to the practice of virtue and godliness appeared dull and lifeless, in comparison with the fierce invectives which they formerly poured forth against apostates and oppressors. It was inferred that the Spirit of God had abandoned them; that they had become as "dumb dogs that could not bark;" and their churches were deserted for the ministry of those whose fanatical language harmonized better with the excited feelings of their hearers.[1]

Tweedale hitherto had acted by the advice, and been supported by the influence of Lauderdale. At length that nobleman came himself to Scotland, and held a parliament with the title of royal commissioner. 1. Its first act was to enable the king to appoint commissioners, authorized to treat with certain commissioners from England, respecting a union of the two kingdoms; a wise and beneficial measure, which Charles had much at heart, but which he was never able to accomplish. In England, it was opposed through distrust of the royal motives; in Scotland, through fear that it would be accompanied with the loss of national independence. 2. It had been discovered, that the indulgence so lately granted was a violation of the laws for the establishment of episcopacy; and to secure it from disturbance, and its authors from prosecution, the act of allegiance was converted into an act of unqualified supremacy, declaring the external government of the church an inherent right of the crown, and giving the force of law to all acts, orders, and constitutions respecting that government, or ecclesiastical meetings, or the matters to be proposed and determined in such meetings, provided those acts, orders, and constitutions were recorded and published by the lords of the privy council. 3. When the regular army was disbanded, it had been deemed prudent to raise the militia of horse and foot, voted in the parliament of 1663; and the men had been embodied and armed in all but the western counties, where it would have been madness to put weapons into the hands of enthusiasts, ready, at the first call of their leaders, to break into rebellion. It was now not only declared that the right to levy and command the army resided in the crown, but moreover enacted, that the forces so levied should march into any part of the king's dominions in pursuance of orders transmitted to

[1] Wodrow, 304. Kirkton, 288. Burnet, i. 488.

them from the privy council. These two acts excited surprise both in Scotland and England. By the first every vestige of the independence of the church was swept away; by the second, the king was placed at the head of a standing army of twenty thousand men, bound to execute his orders, and to march into any part of his dominions. It might, indeed, be doubted whether these words could be so construed as to extend to England, where the Scottish parliament could claim no authority; but the leaders of the opposition in England chose to interpret them in that sense, and to make them on that account one ground of their address for the removal of Lauderdale from the councils and the presence of the sovereign.[1]

Though the recent act of supremacy shocked the religious feelings of every true son of the kirk, the government persisted in its former plan of conciliation. Burnet, who had opposed the indulgence, because it gave jurisdiction without collation from the bishop, was compelled by threats to resign the archiepiscopal see of Glasgow; Leighton, a prelate of more moderate principles, succeeded in his place; and several ministers were again admitted by "indulgence" into vacant churches. Still the obstinacy of the majority refused every proposal; the conventicles grew more numerous; and the regular curates were exposed to so many insults and injuries from the zeal of their opponents, that those who obeyed were said to suffer as much as those who transgressed the law. The council determined to combine severity with indulgence; and while they observed the terms which had been granted to the more moderate, condemned to imprisonment the ministers who had preached at illegal assemblies, and exacted fines from the persons who had afforded the opportunity of committing the offence. But field conventicles became a special object of alarm. From the stubborn and enthusiastic character of the men who frequented them, they were considered as nurseries of sedition and treason; and, in the next session of parliament, Lauderdale asked for some legal provision to abate so dangerous a practice. It was enacted that every unauthorized meeting for religious worship, even in a private house, should be deemed a field conventicle, if any of the hearers stood in the open air; and that every minister who preached or prayed on any such occasion, during the three following years, should incur the forfeiture of his property and the punishment of death. The Covenanters exclaimed loudly against the cruelty of the enactment; though such complaint came with less grace from men who had formerly demanded and enforced laws of still greater inhumanity against the professors of the Catholic faith. The sequel, however, showed that the measure was not only inhuman, it was also impolitic. It did not put down the field conventicles, but it changed them into conventicles of armed men.[2]

Before the terror excited by this act had subsided, the commissioner, with the aid of Leighton, the successor of Burnet, made an attempt to restore tranquillity by a "comprehension" of the dissenting ministers. The sole condition required was that they should attend presbyteries as they were established before the year 1638; and to make this the less objectionable, it was offered that the bishops should waive their claim of a negative voice, and that all who pleased should be at liberty to protest against it. But many saw, or thought

[1] Wodrow, 309; App. No. 35. Kirkton, 301, 303. Lamont, 267. Burnet, i. 492, 494, 495.

[2] Kirkton, 301, 305. Wodrow, 329; App. p. 130. Burnet, i. 500. Salmon, Examin. 886.

that they saw, even in this proposal, a conspiracy to undermine the rights of the kirk. In a few years, a new race of ministers would succeed, less aware of the arts of their enemies, and less habituated to contest the authority of the bishops; those prelates would gradually resume their claims, and the presidents would ultimately become the masters of their respective presbyteries. It was therefore replied, that such assemblies could bear no resemblance to those which existed before the year 1638. They had no power of the keys, no ordination, no jurisdiction: the bishop would be bishop still, though he should abstain from the exercise of his negative voice. To assent to such terms would be an apostasy from the principles of the kirk,—"an homologation of episcopacy."[1]

The religious dissensions continued, and the ministers and their hearers were occasionally imprisoned and fined for their violations of the law. In 1672, Lauderdale returned to Scotland, with the title of duke, and accompanied by the countess of Dysart, whom he had recently married. She had long been reputed his mistress,[2] and has been described as a proud, rapacious, and despotic woman, possessing unlimited dominion over the mind of her husband, and making him the obsequious minister of her passions. It was intended that a second indulgence should be granted in Scotland, to correspond with the celebrated declaration which had been issued in England. But Lauderdale previously held a short session of parliament, in which, to prevent the succession of ministers in the kirk, severe punishments were enacted against the ordainers and the ordained, and the duration of the act against field conventicles was prolonged for three additional years. At last he determined to publish the instrument which for months had been expected, by many with hope, by more with distrust. It named about eighty ejected ministers, ordered them to repair to certain churches, and gave them liberty to exercise all the duties of their office within the limits of their respective parishes, but with a severe injunction to abstain from all religious exercises in any other district. The consequence was a schism in the body, which was not easily closed. About one-fourth of the ministers named in the indulgence refused to obey, and were confined by order of council in particular places; the rest accepted the churches which had been allotted to them, having previously given their testimony against the Erastianism of the measure. Its framers had reason to be satisfied. The more opulent of the Covenanters attended the service of the indulged ministers, and the number of conventicles was diminished.[3]

During this protracted struggle between the government and its religious opponents, scarcely a murmur of disapprobation had been heard in the Scottish parliament. It seemed as if Charles, at the restoration, had ascended a despotic throne, and the supreme council was of no other use than to record the edicts of the sovereign. The consequence was, that the

[1] Wodrow, 385; App. p. 132, 133. Kirkton, 296. Burnet, i. 476, 503, 513.

[2] In a suppressed passage in Burnet, that writer says:—"I was in great doubt whether it was fit for me to see Lauderdale's mistress. Sir Robert Murray put an end to that; for he assured me there was nothing in that commerce between them besides a vast fondness" (i. 519).

[3] Wodrow, 351. Kirkton, 315, 326, 334. Burnet gives himself out as the deviser of this plan (i. 520). Lauderdale had sixteen thousand pounds allowed him for his outfit, as chief governor, with a salary of fifty pounds per day while the parliament sat; and ten or fifteen pounds per day during the rest of the year.—Wodrow, App. p. 148.

officers of government extended and abused their authority; every department was filled with the relatives and dependents of the commissioner; and these made it their chief object to enrich themselves at the expense of the country. But that spirit of resistance, which had so obstinately and successfully warred with the advocates of the court in the parliament of England, aroused, at length, a similar spirit in that of Scotland, and a plan of opposition, unknown to Lauderdale, was carefully arranged, among the old Cavaliers and his political enemies. When he opened the next session, he demanded with his usual confidence a plentiful grant of money to aid the king in his war against the States. The young duke of Hamilton rose; but, instead of expressing an obsequious assent, he called the attention of the house to the grievances of the nation; the coin had been adulterated under Hatton, the master of the Mint, and Lauderdale's brother; by new regulations in the customs, the price of salt, of brandy, and of tobacco, had been raised; monopolies in all these articles were enjoyed by the friends of the minister, and the administration of justice was polluted by personal interests and animosities. Other speakers followed, and all were careful to echo the sentiments of Hamilton. The commissioner was amazed and alarmed. He endeavoured to intimidate; he adjourned the session for a week; he abolished the monopolies; but he could not dissolve the combination, or satisfy the demands of his adversaries. Hamilton and Tweedale repaired to London to lay their grievances before the monarch; Kincardine was despatched to oppose them; and Charles, while he laboured to appease the discontent of one party, religiously observed his promise not to desert the other. But all his efforts to conciliate were fruitless: another prorogation took place; and, before it expired, the parliament was dissolved.[1]

In the enumeration of grievances, the principal, the persecution of the Covenanters, had never been mentioned. Since the last act of supremacy, religious subjects were avoided, as forbidden ground, on which it was dangerous to tread. Lauderdale, however, took it into consideration, and published an act of grace, pardoning every offence against any of the conventicle acts committed before the 4th of March, 1674. If by this concession he sought to conciliate the minds of the Covenanters, he was disappointed; for they attributed his lenity to weakness, and looked on pardon for the past as an encouragement to new transgressions. From that day, the cause of these religionists made constant progress. In the north, indeed, they were but few, and in the west they might attend without impediment the service of the indulged ministers; but from the English borders to the river Tay the conventicles continued to multiply. They were held in the vacant churches, in private houses, in the open air: on every Sabbath, crowds assembled, for the purpose of worship, around a lofty pole, fixed in a glen, on a mountain, or in the midst of a morass; and the minds of the people were occupied during the week with conversation respecting the gifts and doctrine of the preachers, the dangers which they had run, the persecutions which they had suffered, and the place and time appointed for

[1] Burnet, ii. 19—33, 36. Wodrow, 364, 369. Kirkton, 339—342. If the reader compare the character of Lauderdale, drawn by Burnet in the dedication of his four conferences, published at this time, with the character of the same nobleman, drawn by him in the History of his Own Times, he will form no very favourable opinion of the veracity of that writer.

the next conventicle. A spirit of the most ardent and obstinate fanaticism animated the great mass of the population; and hostility to episcopacy was coupled with hostility to that government by which episcopacy was maintained.[1]

2. The history of Ireland during the same period furnishes but little that can interest the general reader. The English act of parliament prohibiting the importation of Irish cattle had reduced the agricultural classes in Ireland to the lowest distress; and Ormond, the lord-lieutenant, who was himself a principal sufferer, employed all his power and ingenuity to discover and open new sources of industry and new channels of commerce. A free trade was permitted between Ireland and all foreign countries, whether at peace or war with the king of Great Britain; the introduction of Scottish woollens was prohibited, as a measure of retaliation against the Scots, who, after the example of the English parliament, had forbidden the importation of Irish cattle into Scotland; and, to encourage the manufacture of woollen and linen cloths, five hundred Walloon families from the neighbourhood of Canterbury, and an equal number from Flanders, were induced to settle in Ireland.[2] But after the fall of Clarendon, it was not the intention of those who succeeded in the administration to leave his friend Ormond at the head of the Irish government. His conduct was scrutinized and censured; charges of oppression of individuals, and mismanagement of the revenue, were brought against him; and the duke hastened to London to defend his character against the intrigues of his enemies. For almost a year his fate hung in suspense. The good-nature of Charles shrunk from the idea of unkindness towards an old and faithful servant; his love of ease could not resist the obstinate and repeated importunities of Buckingham and his colleagues. At length a promise was wrung from the reluctant monarch; and, after a protracted struggle, he announced to Ormond his removal, but in language the most flattering and affectionate which he could devise. Lord Robartes, a man of rigid notions and repulsive manners, was appointed to the vacant office, which he only held long enough to earn the dislike of the Irish, and to disappoint the expectations of the cabinet. After seven months, he was recalled, to make place for Lord Berkeley of Stratton, who had distinguished himself by his hostility to Clarendon, and would not, it was supposed, be unwilling to discover grounds of complaint or impeachment against Ormond.[3]

Eight years had now elapsed since the Act of Settlement, five since the Act of Explanation, was passed; still these measures had been but imperfectly executed, on account of the conflicting nature of the claims, and the deficiency of the fund for reprisals. Not only the thousands whom the law debarred from all relief, but many of those whom it took under protection, loudly complained of injustice; and, after the arrival of the new chief governor, six peers, and forty-five gentlemen, ventured to subscribe a petition to the king, explaining their

[1] Wodrow, 366. Kirkton, 343. "At these great meetings many a soul was converted to Jesus Christ; but far more turned from the bishops to profess themselves Presbyterians. The paroch churches of the curates came to be like pest-houses; few went to any of them, and none to some; so the doors were kept lockt."—Ibid.

[2] Carte, ii. 342, 344.

[3] Carte, ii. 375, 379, 413. Pepys, iv. 101, 191, 246. "Ormond had none that took his part but his R. H. (the duke of York), who thought it very scandalous that one, who had always been so loyal, should be prosecuted and run down by men, who had been most of them downright rebels, or little better."—James, i. 435.

wrongs, and earnestly imploring redress. Charles compassionated the sufferings of men, most of whom had devoted themselves to his service during the time of his exile; and the ministers were ready to accede to any measure which would throw discredit on their predecessors in office. Though Ormond came forward to oppose the prayer of the petitioners, though Finch, the attorney-general, pronounced against their claim, a committee was appointed to review the settlement of Ireland; and, on a representation that their powers were defective, they afterwards obtained authority to send for persons, papers, and records, and to require information from all officers under the crown. The commissioners were Prince Rupert, the duke of Buckingham, the earls of Lauderdale and Anglesey, the lords Holles and Ashley, Secretary Trevor, and Sir Thomas Chicheley. They proceeded slowly: more than a year was employed in the examination of papers and witnesses, in comparing the arguments of the petitioners with the contrary claims of the soldiers, adventurers, and purchasers of lands in Connaught, and in hearing the complaints brought against the duke of Ormond, and his defence of his conduct. The duration of the commission, and its renewal with more extensive powers, raised the hopes of the natives; but their opponents sought the powerful aid of the English house of Commons, which had lately compelled the king to rescind the declaration of indulgence, and had passed several resolutions expressive of their hatred to popery and its professors. The cause was warmly taken up by the popular leaders, and an address was presented to the king, demanding the revocation of the commission, the maintenance of the Act of Settlement in Ireland, the banishment of the Catholic priests from that kingdom, the expulsion of all Catholic inhabitants out of Irish corporations, and the punishment of Colonel Richard Talbot, who had acted as agent for the natives before the commission. Charles briefly replied, that on all these particulars it would be his care that no man should have reason to complain; and, in the course of a few days, the commission was dissolved, and the prospect of relief for ever closed to the great body of the petitioners. The king, indeed, still cherished the hope of mitigating their sufferings. He appointed a committee of the council to reconsider the subject; but no other benefit resulted from their deliberation than the trifling addition of two thousand pounds per annum to a fund which had already been provided for the purpose of furnishing pensions to the twenty nominees in the Act of Explanation.[1]

[1] Carte, ii. 427, 429, 438. C. Journ. Mar. 25, 26.

CHAPTER V.

CONGRESS AT NIMEGUEN—SECRET TREATY WITH LOUIS XIV.—DEBATES ON THE LEGALITY OF THE PARLIAMENT—PENSION FROM FRANCE—INTRIGUES AND CONQUESTS OF LOUIS—OPPOSITION TO THE KING IN PARLIAMENT—PEACE BETWEEN FRANCE AND THE STATES—GENERAL PEACE—PLOT FORGED BY TITUS OATES—THE TEST ACT—ACCUSATION OF THE QUEEN—TRIALS AND EXECUTIONS—PERFIDY OF MONTAGUE—IMPEACHMENT OF DANBY—PROROGATION.

On the conclusion of peace with the States in 1674, Charles had offered his mediation to the different powers at war. He proposed that the treaty of Aix-la-Chapelle should be taken for the basis of a general pacification; but the confederates would submit to nothing short of the treaty of the Pyrenees, that France might be again confined within its ancient boundaries; and Louis, proud of his superiority, refused to accept of any other alternative than to retain his conquests, or to exchange them for an equivalent. With pretensions so contradictory, both parties awaited the issue of the campaign, in the hope that some fortunate occurrence might give additional weight to their demands. A whole year (so numerous were the difficulties raised, so opposite the interests to be consulted,) passed away in the arrangement of the preliminaries; the place of meeting, the powers to be admitted, the titles and rank which they were to assume, became subjects of endless discussion; and when at last the congress was opened at Nimeguen, the place proposed by the king of England, it soon appeared that none of the parties (with the exception perhaps of the States-General) sought to bring it to a conclusion. It was the object of Louis to break the confederacy, to negotiate successively with his different opponents, and to obtain by separate treaties, what he foresaw would be refused as long as the confederates remained united. The emperor and the queen-regent of Spain, persuaded that England and Holland would never allow the Netherlands to pass into the possession of France, placed their hopes on the prosecution of the war. They were encouraged by the counsels and influence of the prince of Orange; and all three, instead of attending to the congress at Nimeguen, bent their efforts to draw the king of England, as an ally, into the war. They represented to him that he held the destinies of Europe in his hands, and that, instead of the office of mediator, he might take upon himself to dictate the conditions of peace. He had only to join his forces with those of the confederates; Louis would instantly recede from his lofty pretensions; Flanders would be saved; and a balance of power would be established. Did he allege a want of money? They would grant him a more ample subsidy than he had received from France as an ally. Did he wish to recover Dunkirk? They would undertake to reduce, and to place it in his hands. But it was in vain that they appealed to his poverty or to his ambition. Experience had taught him a lesson, which he could not readily forget. He knew that to engage in war, was to become a suppliant to the bounty, and a dependent on the pleasure of parliament.[1]

[1] Temple, ii. 265, 284, 305, 319, 325, 333, 339, 363. Dalrymple, ii. 118.

Ruvigny, the French minister in London, was not blind to this intrigue. When Charles first withdrew from the alliance with Louis, Ruvigny, in the bitterness of his disappointment, charged the king with desertion and ingratitude; but he soon received instructions to abstain from irritating language, to keep the English monarch to his purpose of mediation, and even to offer to him, should such an inducement appear necessary, as the price of his neutrality, the same amount of subsidy which he had previously received for his alliance during the war.[1] For eighteen months Charles resisted the temptation; and it was not till the house of Commons had returned an unqualified refusal to his request of money, that, despairing of aid from his own subjects, he consented to throw himself into the arms of a foreign prince. In a private conversation between him and Ruvigny it was agreed that the king of France should pay a yearly pension to the king of England; that the two sovereigns should bind themselves to enter into no engagements with other powers unless by mutual consent; and that each should lend effectual aid to the other in the event of rebellion within their respective kingdoms. The only persons to whom Charles communicated this treaty were his brother, the duke of Lauderdale, and the earl of Danby. James made no remark—he had been previously acquainted with the royal purpose—and Lauderdale, according to custom, applauded the wisdom of his sovereign; but Danby, who had deeply engaged himself to the prince of Orange, demurred: he asked time for consideration; his consent, he observed, might endanger his life: he wished the king would consult the privy council. But Charles cut the Gordian knot with the same facility as he had previously done on a similar occasion. He dispensed with the services and the signatures of his counsellors; he put the treaty into writing with his own hand, and signed, sealed, and delivered it to Ruvigny, who, on his part, engaged to return to him within twenty days a copy of the same treaty signed and sealed by the king of France.[2] By this secret proceeding both princes obtained their objects; Charles, the money which had been refused by parliament, Louis, security that Charles, for some time at least, would not make common cause with his enemies. But the English king, if he possessed the spirit of a man, must have keenly felt the degradation. He was become the yearly pensioner of another monarch; he was no longer the arbiter of his own conduct; he had bound himself to consult, with respect to foreign powers, the master whose money he received. Perhaps he might console himself with the notion, that it was less disgraceful to depend on a powerful monarch, from whose alliance he could disengage himself at pleasure, than on the party among his own subjects, which constantly opposed him in parliament: perhaps he felt a malicious pleasure in defeating the machinations of his adversaries, whom he knew to be, in pecuniary transactions, not more immaculate than himself; for it is a fact, that several among those who claimed the praise of patriotism for their opposition to the court, were accustomed to sell their services for money. It seemed as if the votes of the members of parliament were exposed for sale to all the powers of Europe. Some received bribes from the lord treasurer on account of the king; some from the

[1] Danby, Letters, 2, 5.

[2] Dalrymple, ii. 99, 102. The exact amount of the pension is not mentioned; but as Charles in a short time, "bientôt après," received four hundred thousand crowns, it was probably about one hundred thousand pounds per annum.—Id. 118.

Dutch, Spanish, and imperial ambassadors in favour of the confederates; some even from Louis at the very time when they loudly declaimed against Louis as the great enemy of their religion and liberties; for that prince, notwithstanding the recent treaty, did not implicitly rely on the faith of Charles; he sought in addition to secure the good will of those who, by their influence in parliament, might have it in their power to withdraw the king from his promise of neutrality. Ruvigny was instructed to seek adherents among them, to offer to them presents on condition that they should refuse supplies to Charles, and to co-operate with them in their attempts to ruin Danby, whom *they* considered as their political enemy, and whom Louis knew to be the stanch friend of the prince of Orange. His efforts were successful, and, though we have not the means of tracing the progress of the intrigue, we know that he was made acquainted with the counsels and projects of the party. But Ruvigny was recalled; Courtin succeeded him, and the accounts of Courtin will reveal the names of the patriots who sold themselves to France, and of the price at which their services were valued.[1]

During the long prorogation, and with the aid of his foreign pension, the necessitous monarch enjoyed a seasonable relief from the cares and agitation in which he had lived for several years. Age and satiety had blunted his appetite for pleasure, and the enjoyment of ease was become the chief object of his wishes. He retired to Windsor, where he spent his time in the superintendence of improvements, the amusement of fishing, and the company and conversation of his friends. His neutrality in the great contest which divided the powers of the continent, whatever might be its real motive, found a sufficient justification in the numerous benefits which it conferred on the country. While almost every other nation in Europe complained of the privations and charges of war, England enjoyed the blessings of peace. She was free from the pressure of additional taxation, and knew nothing of those evils which necessarily accompany the operations of armies. Her mariners monopolized the carrying trade of Europe; new channels of commerce were daily opened by the enterprise of her merchants; and their increasing prosperity gave a fresh stimulus to the industry of her inhabitants.[2] It was, however, the care of the popular leaders to keep alive, as far as they were able, the spirit of discontent. Political clubs were established; pamphlets, renewing the old charges against the government, were published; the ears of men were perpetually assailed with complaints of the growth of popery, and of the progress of arbitrary power; their eyes were directed to the theatre of war on the continent, as the great arena on which the fate of their liberty and religion was to be decided; and the preservation of these was described as depending on the humiliation of France, though France was aided in the contest by the Protestant state of Sweden, and opposed by the two great Catholic powers, Austria and Spain.

The members of the council were not slow to oppose these arts of their adversaries. They had recourse to the

[1] Brisbane in Danby's Letters, 309, 312, 314, 324. Dalrymple, ii. 110, 111, 129.

[2] "The king," says Brisbane in a letter to the earl of Danby, hath "succeeded in the improvement of trade and navigation beyond the hopes of those who talked of it seventeen years ago.....and now the trade of England is at such a height, that it is as hard to think it can continue so, as it was hard to believe once it would ever rise to it."—25th June, 1677. Danby's Letters, 315.

press in vindication of their conduct; they warned the people in the king's name against the authors and retailers of false and disloyal reports; and they resolved to put down the coffee-houses, as seminaries of sedition, and the constant resort of agents employed to spread among the company libels against the sovereign and the government. Though the owners of these establishments had taken out licenses in conformity with the law, it was discovered that the statute made no mention of the time during which the license should remain in force; and from this omission a conclusion was drawn, that it must be considered revocable at pleasure. The judges, who did not agree, would give no opinion; but the question was argued before the council, and the attorney-general received instructions to prepare a proclamation, ordering all coffee-houses to be shut up; "because in such houses, and by the meeting of disaffected persons in them, divers false, malicious, and scandalous reports were devised and spread abroad, to the defamation of his majesty's government, and the disturbance of the quiet and peace of the realm." The remedy, however, was productive of more mischief than the evil which it sought to abate. It gave a real foundation to charges which before rested merely on conjecture. It was with reason described as an unjust and cruel proceeding towards the occupiers of the houses; as a violation of the right of Englishmen to meet and discuss political subjects; and as an unanswerable proof of the arbitrary projects secretly cherished by the court. Its authors, repenting of their precipitancy, had the prudence to retrace their steps; and on the presentation of a petition to that effect, a general license was granted to reopen the coffee-houses, but with this condition, that the keepers of such establishments should prevent in them the reading and publication of libels against the king and his government.[1]

Another subject of complaint was furnished by the alleged depredations of the French cruisers on the English commerce. In the course of seven months fifty-three sail had been captured and carried into the French ports, under the pretence that the ships or their cargo were Dutch property, which it had been fraudulently attempted to cover with the English flag. Charles, though he looked on this as an unavoidable evil during a maritime war, ordered the most energetic remonstrances to be made at the French court; and Louis, whose interest it was to avoid a quarrel with England, gave orders that justice should be done between the captors and the claimants. Some ships were restored, many were condemned. The sufferers complained; their complaints were echoed by the writers of the popular party; and it was insinuated that the members of government derived advantage from the losses of the merchant. These charges directed the attention of the council to the conduct of Sir Ellis Leighton, the secretary to the embassy in Paris, to whose care the interests of the petitioners had been intrusted. He was once the confidant of Buckingham, and is described as "the most corrupt man of the age." A warrant was signed for his committal to the Tower; but he escaped from the officers, and the charges against him were never submitted to judicial investigation.[2]

[1] Kennet, 307. North, 138. Ralph, 297.

[2] State Tracts, i. Marvell, 325. Kennet, 309. North, 487. Gazette, 1124, 1141, 1150. Correspondence of Clarendon and Rochester, i. 2. I shall for brevity refer to this collection by the title of Clarendon Correspondence.

Preparatory to the opening of the next session, Shaftesbury and his friends arranged a new plan of opposition. It was discovered that what they had so fruitlessly laboured to effect by their own efforts had been unwittingly accomplished for them by the ignorance or imprudence of the court. The king, it was maintained, by the long prorogation, had in fact dissolved the parliament. If that assembly did not sit, its existence could be continued only by adjournment or prorogation: now the late parliament had not been adjourned, but prorogued, and that for fifteen months; but such a prorogation was contrary to law, because it was incompatible with two statutes of Edward III., which ordained that a parliament should be held "once a year, or oftener, if need be;" whence they inferred, that, as a prorogation contrary to law was of no effect, the parliament had in fact ceased to exist; it had been suffered to die a natural death. This novel and extraordinary opinion they laboured, by all the artifices in their power, to impress on the minds of the people; it was made the subject of discourse in every company; it was discussed in public and private, in clubs and in drawing-rooms; and men looked forward with intense interest to the debate which it was expected to provoke, at the opening of the approaching session.

On the appointed day, the 15th of February, multitudes of people were observed at an early hour hastening to the parliament house; and in a short time Westminster Hall, the Painted Chamber, the Court of Requests, the lobbies and avenues, were crowded with strangers. These men, if we may believe one party, had been led there by curiosity to witness the result; but, according to the other, had been brought there from Southwark and Wapping, to intimidate the adherents of the court.[1] Charles addressed the two houses in a speech which elicited the applause even of his adversaries. If, he said, any additional securities were wanted for the church, for liberty or property, he came prepared on his part to assent to every reasonable request; and therefore he called on *them* also to do their duty by avoiding the causes of dissension between the houses, by making provision for the increase of the navy, by continuing the additional excise, and by granting a moderate supply towards the extinction of the public debt. Thus they would promote the peace, the safety, and the prosperity of the kingdom; and, if any of these ends were disappointed, he called on God and man to witness that he at least was free from the blame.[2]

In both houses the first question introduced was the effect of the long prorogation. In the Commons the popular leaders proceeded with caution. Aware how unpalatable their new doctrine must be to the majority of the members, they contented themselves with suggesting an address for a dissolution, as the most eligible means of setting at rest the doubts which had arisen respecting the legality of their existence as an estate of parliament; but the house, after a long conversation, read a bill the first time according to custom, and postponed the consideration of the question to the following day.[3] In the Lords the opponents of the court assumed a bolder tone. They promised themselves the support of the duke of York, of the Catholic peers, and of all who, at the conclusion of the last session, had voted in favour of a dissolution. Buckingham rose, and in a speech of considerable inge-

[1] North, 66. L. Journ. xiii. 44. James adds that many of them were old officers from the army of the commonwealth.—Macpher. i. 84.

[2] L. Journ. xiii. 36.

[3] Parl. Hist. iv. 825, 834. Marvell, i. 278.

nuity and eloquence contended that the parliament had ceased to exist. As soon as he sat down, Lord Frescheville moved that he should be called to the bar for the insult which he had offered to the house. The earl of Salisbury answered Frescheville with warmth and asperity, and was answered in his turn by Lord Arundell of Trerice. Shaftesbury and Wharton supported the motion of Buckingham; and Finch, who had lately been raised to the higher dignity of chancellor, opposed it in a long and laboured harangue. His assertion that the qualification, "if need be," referred to both parts of the act of Edward III., savoured of special pleading; but he had certainly the advantage over his opponents, when he contended, that by the triennial act of the 16th of Charles I., the vacations of parliament had been extended to three years; and that, if that act had been repealed, another of similar import had been substituted for it, and was at that very moment the law of the land. The debate continued five hours; but as soon as the proceedings in the house of Commons were known, the ministerial lords called for the question; the motion of Buckingham was negatived; and he, with Salisbury, Shaftesbury, and Wharton, were ordered to retract their opinion, to acknowledge that their conduct was "ill-advised," and to beg pardon of the king and the house. On their refusal, all four were committed to the Tower, to remain there till they should be discharged by the order of those whom they had offended. This decision had a considerable influence on the debate of the following day in the house of Commons, where the popular party found themselves in a minority of one hundred and forty-two to one hundred and ninety-three.[1]

The arbitrary imprisonment of the four peers spread dismay through the ranks of the opposition, while it freed the lord treasurer from the most formidable of his opponents in the upper house. He knew that it was their object to remove him from office, and to force on the king a new administration formed out of their own party; and he therefore made it his policy to defeat their intrigues, by seeking to retain the favour of the sovereign, and to acquire that of the people. For the first he had only to relieve the royal indigence by competent supplies of money; with a view to the second he had all along displayed an ardent zeal for the suppression of popery, and now obtained permission to bring forward a plan for the security of the established church. His adversaries on the contrary resolved to embarrass all his measures by the obstinacy of their opposition, to cast doubts and ridicule on his zeal against popery, and to urge the popular cry for a war with France, at the same time refusing the necessary supplies, as long as they would have to pass through the hands of a minister who possessed not the confidence of parliament. These remarks will enable the reader to understand the manœuvres of the two parties during this session.[2]

1. The securities for the church which had been devised in a meeting

[1] Parl. Hist. iv. 814, 824. Hatsell, ii. App. 5. Life of James, i. 504, 557. North, 65. Macpherson, 84. Burnet, ii. 105, 109. Marvell, i. 280, 530, 532. Buckingham slipped out of the house, but surrendered himself the next day.

[2] Charles in a conversation with Temple acknowledged that among his opponents there were many that meant honestly, but said that "the heats and distempers of late had been raised by some factious leaders, who thought more of themselves than of anything else, and had a mind to engage him in a war, and then leave him in it, unless they might have their terms in removing and filling of places."—Temple, ii. 411.

with the bishops at Lambeth, were embodied in two bills, of which the first applied to the succession of a Catholic prince, and proposed to enact that on the demise of a king regnant the bishops should tender a declaration against transubstantiation to the new sovereign, and at the end of fourteen days should certify into Chancery whether he had subscribed it or not. If he had not,—1. They were empowered, on every vacancy of a bishopric, to name three persons, of whom, unless the king should select one within thirty days, the first on the list should take possession of course: 2. The two archbishops were authorized to present to all benefices in the gift of the crown lying within their respective provinces: 3. The children of the king, from the age of seven to fourteen, were to be placed under the guardianship of the two primates, and of the bishops of London, Durham, and Winchester, and after that age to be attended only by persons approved by the major part of the same prelates. The other bill, under the title of an act for the more effectual conviction and prosecution of popish recusants, provided that all Catholics who should enrol themselves as recusants should pay a yearly fine of the twentieth part of their incomes, to form a fund for the support of poor converts to the Protestant faith; and should on that condition be exempt from all other penalties, except the incapacity of executing any office civil or military, of being guardians or executors, or of entering the court without license; that laymen, the perverters of Protestants, should have the option of abjuring the realm; that clergymen, convicted of having received orders in the church of Rome, might at his majesty's pleasure be imprisoned for life, instead of suffering the punishment of treason; and that the children of Catholic parents deceased should be educated in the reformed faith.[1]

When these bills were transmitted to the lower house, they met with an indignant reception. The first, by admitting the possibility of a Catholic successor, tended to subvert the projects of those who sought the exclusion of the duke of York. They suddenly became supporters of the rights of the crown. The bill, they maintained, despoiled the sovereign of his ecclesiastical supremacy, and vested it in the bishops; their objections were echoed by the friends of the duke; and the house, having honoured the bill with two readings, allowed it to sleep unnoticed during the remainder of the session. The second was treated with less ceremony. Fortunately for the Catholics, it had alarmed the prejudices of the zealots, who could not be persuaded that by mitigating the severity, they might insure the execution, of the penal laws. They insisted that the Catholic clergyman should continue to be subject to the penalty of death, and the Catholic layman to the forfeiture of two-thirds of his property: these were barriers to restrain the diffusion of popery erected by the wisdom of their ancestors, and to remove them would be to concur in the toleration of a false and idolatrous worship. "Is there a man in this house," exclaimed a voice, "that dares to open his mouth in support of such a measure?" A pause ensued; the advocates of the bill were silent; it was accordingly rejected; and as an additional stigma, the cause of rejection, contrary to all parliamentary precedent, was entered on the journals, that the title of the bill meant one thing, and the body

[1] L. Journ. xiii. 48, *et seq.* Macpherson, 63. Marvell, i. 313, 554, 589. Against the first of these bills James and twelve other peers entered their protests; and Lord Stafford his against the second.—Journ. 75, 92.

another. At the same time they passed and sent to the house of Lords a bill devised by themselves, "to prevent the growth of popery," enacting that the refusal to subscribe the test against transubstantiation should be taken for a conviction of recusancy. But the Lords resented the manner in which they had been treated; and though the Commons sent two messages to call their attention to the bill, declined to give it so much as a single reading.[1]

2. When the king received in January a portion of his annual pension from France, the whole sum was immediately devoted to the purchase of votes in the house of Commons. The consequence was that, on questions of finance, the minister commanded a majority of about thirty voices. The additional excise which Charles had mentioned in his speech, was voted to continue for three years, and the sum of six hundred thousand pounds was granted towards the support of the navy. The French ministers received the intelligence with some uneasiness; for they were aware of Danby's engagements to the prince of Orange, and feared that, with so large a sum of money at his disposal, he might induce the king to join the allies. But they were undeceived by Ruvigny; and the event justified his predictions. Before the grant of the additional excise passed the house, the whole amount was appropriated to particular purposes; the receivers were instructed to pay the money to certain officers; and these were ordered to render an account of its disposal to parliament. No portion of it was suffered to pass through the hands of the treasurer.[2]

3. In February the king of France, at the head of a numerous army, burst into the Spanish Netherlands, confounded his enemies by the rapidity and complexity of his movements, sat down suddenly before Valenciennes, and in a few days carried that fortress by assault. Every eye was now turned towards Flanders. The novelty of a winter campaign, the success of its commencement, and its probable consequences, created a general alarm; Solinas and Fonseca, the Spanish agents, spared neither pains nor expense to arouse the passions of the people, and to acquire friends in the parliament;[3] and an address was voted by the Commons, praying the king to take such measures as might be necessary to preserve the Spanish Netherlands from the rapacious grasp of the French monarch. Under the influence of Danby, the Lords proposed the addition to the address of a promise of support from the parliament; but the lower house rejected the promise as superfluous, and Charles marked his sense of the rejection by

[1] C. Journ. March 27, April 4. L. Journ. xiii. 114, 126. Parl. Hist. iv. 853, 861. Marvell, i. 285, 314. Both houses, however, concurred in one point respecting religion, which was the abolition of the writ *de hæretico comburendo*.—L. Journ. 120.

[2] Dalrymple, ii. 110. C. Journ. Feb. 21, March 2, 9, 11. Marvell, i. 282, 286, 294, 296, 310, 315. Danby's Letters, 309. The Commons had made the officers accountable to their house for the money; the Lords added an amendment that they should be accountable also to the house of Lords. This the Commons refused to admit, and the Lords, after several conferences, yielded, but at the same time presented an address to the king, stating that they had done so, not meaning to give up their right, but waiving it for the moment, that the public service might not be injured by the loss of the bill.—L. Journ. xiii. 118, 119. Marvell, i. 318, 322. According to Burnet (ii. 109), the clause was introduced by the country party for the express purpose of provoking a dispute between the houses.

[3] The king was alarmed at the activity of these men. They informed some members of the house of Commons that he had said, "only a set of rogues could have voted such an address as that of the 16th of March." This caused much anger in the house, and Charles seized the opportunity to arrest them, and send them out of the kingdom.—Temple, ii. 401. Marvell, i. 304. Macph. i. 83.

this laconic reply, that he held on that subject the same opinion as the two houses. The French army continued its victorious career. Cambray surrendered; the prince of Orange was defeated at Cassel, and the city of St. Omer opened its gates to the conquerors. The cry for war now resounded from all parts of the kingdom; a second address was voted; and to this, after a long debate, and a division in which the minister obtained a majority of nine voices, was appended the promise of support, which had been formerly negatived. The king answered that he expected something more specific, a grant of at least six hundred thousand pounds to enable him to take part in the war with any prospect of success; but the demand was eluded, under the pretence that many of the members had left town on account of the Easter holidays, and Charles having passed the money bills, adjourned the parliament for the space of five weeks.[1]

During the recess the imperial ambassador received the sum of ten thousand, the Spanish ambassador that of twelve thousand pounds, to purchase votes in the lower house; and at the same time Courtin, the French envoy, negotiated with the enemies of the lord treasurer to oppose any grant of money to the king. The effect of all these intrigues appeared at the next meeting. Charles, adverting to the assertion of his opponents, that he sought to obtain a supply for purposes of his own, solemnly pledged his word that "they should never repent any trust which they might repose in him for the safety of his kingdom."[2] This speech provoked a second address, of which the first part accorded with the policy of the French court, by the positive refusal of a supply before the declaration of war; and the second gratified the wishes of the allies, by praying the king to enter into treaties with the United States, and other powers, for the preservation of the Netherlands. Charles felt, or affected to feel, this address as an insult. On the first part he made no comment; in relation to the second, he charged the house with an invasion of his prerogative; they had presumed to dictate to him when, how, and with whom he was to make war; if he were to submit to such an encroachment, he should soon become a mere cipher in the government; and on that account he commanded both houses to adjourn to the month of July. When the Commons returned to their own house, several members rose to contend, that for a compulsory adjournment a special commission under the great seal was necessary; but the speaker exclaimed, "By the king's command this house is adjourned till July 16th." He immediately quitted the chair, and the members separated.[3]

In this parliamentary contest Charles had certainly the advantage over his adversaries. He had professed himself ready to concur with the general wish of the nation: *they* by their obstinacy had prevented that concurrence, and thus provoked many to suspect the purity of their patriotism.[4]

[1] C. Journ. March 6, 15, 17, 29, April 13, 16. Marvell, i. 297, 299, 304, 316, 321, 571—576.

[2] This pledge has been pronounced "one of the most dishonourable and scandalous acts that ever proceeded from a throne," because he was then negotiating for money with the French ambassador. Now Charles made this speech on May 23, but there is no proof of the existence of such negotiation till after he had been provoked to adjourn the parliament.

[3] Dalrymple, ii. 111. Macph. i. 83. Com. Journ. May 25, 28. Marvell, i. 336, 599—638.

[4] "To speak my thoughts concerning that address, I think it hard to believe that the fear of the greatness of France could be the leading motive to it."—Brisbane in Danby's Letters, 315. At that time the pointing out the particular alliances to be made was thought by many an encroach-

If we consider the avowed enmity of Danby to the interests of France, we shall see little reason to doubt that the king, if he had received a supply, would have taken this year the same decisive measures which he took the next. It is indeed true that he made to Courtin assurances of his attachment to France, and communications of interesting intelligence; but this might be merely an artifice to procure the quarterly remittance of his pension; and so it was interpreted by the French ministers, who, instead of relying on the royal professions, instructed their envoy to England to keep the king dependent on France for money, by obstructing, through the leaders in parliament, every proposed grant or supply from his own subjects.[1]

The adjournment, however, though it relieved, did not remove their apprehensions. Courtin urged a dissolution or a prorogation till April, 1678. Charles demanded an augmentation of his yearly pension to the amount of two hundred thousand pounds. A long negotiation followed. The envoy, though he had been instructed to consent, if he found it necessary, perpetually pleaded the poverty of the French treasury; and the king, though Montague, his ambassador in Paris, assured him of success, at length condescended to accept the smaller sum of two millions of livres, between one hundred and fifty and one hundred and sixty thousand pounds. Montague remonstrated: Charles repented of his facility, revoked his word, declared to Barillon, the successor of Courtin, that he had not been aware of the difference in the value of the two sums; and when that minister objected, conducted him to the door, saying, "I am ashamed of the blunder; you must go and settle the matter with the lord treasurer." In conclusion he obtained his demand, with this addition, that the augmented pension should be reckoned from the commencement of the current year.[2]

In July the adjournment of parliament had been prolonged to December, and a promise was given to Courtin that, on the payment of the French pension, it should be again adjourned till April. The four lords in the Tower had consoled themselves with the knowledge that they must be discharged at the close of the session. To their disappointment the session by these adjournments was continued. The prospect of a long and indefinite confinement humbled the spirit of Buckingham, Salisbury, and Wharton, who, having in a petition to the king, revoked their opinion, and stated their repentance, obtained their liberty; but the obstinacy of Shaftesbury disdained to submit; he appealed for protection to the law, was brought by writ of *habeas corpus* before the court of King's Bench, and with the aid of four barristers pleaded his own cause.

ment on the prerogative: at the present no man denies that the Commons may offer their advice on any such subject.

[1] One of Courtin's accounts, dated May 5 of this year, is preserved, stating the distribution of something more than three thousand pounds.—Dalrymple, ii. 314. It is remarkable that of this sum three hundred guineas were given to Coleman, who laboured to bring about a dissolution, and five hundred guineas to Dr. Carey, a dependent on Shaftesbury, who was under prosecution by the house of Lords. A pamphlet, voted to be seditious, and supposed to have been written by Shaftesbury, was traced to Dr. Carey. He refused to give up the author, and was adjudged to pay a fine of one thousand pounds, and to be imprisoned till it was paid.—Marvell, i. 286, 288, 546.

[2] Courtin had received his authority for two hundred thousand pounds on the 11th of June; and it is probable that Montague discovered it; for on that very day he wrote to the king that, if he had authority to ask, he would engage to procure an augmentation of the pension to that amount. This letter is important, as it shows how early and how anxiously this ardent patriot laboured to indulge the king in his pecuniary dealings with the French monarch. — Compare Danby's Letters, 1—37, with the despatches in Dalrymple, ii. 111—116.

The judges replied that they could not admit him to bail, because he had been sent to the Tower, not for safe custody, but in execution of judgment; neither could they grant him a discharge, because, that judgment having been pronounced by the house of Lords, the case came not within the jurisdiction of the court, pending the session. Seven months later, when the parliament met, the other three lords having previously asked pardon, resumed their seats; but Shaftesbury had sinned more deeply; to the original offence he had added that of appealing from the judgment of his peers to an inferior tribunal, the court of King's Bench, and on that account he was compelled not only to make the same submission with his companions, but also to crave on his knees forgiveness for this breach of the privilege of the house. "My lords," he said, "I go not about to justify myself, but cast myself at your lordships' feet, acknowledge my error, and humbly beg your pardon." More than this could not be required. The house was satisfied; and the king ordered the repentant sinner to be discharged from the Tower. No man can doubt that the punishment thus inflicted on the four lords originated in a wish to humble the leaders of an opposite and formidable party. Danby had then a majority at his nod, and could expound the law of parliament as he pleased; but in the course of two years Shaftesbury rose to the high pre-eminence before possessed by his adversary; and one of his first cares was to procure a vote pronouncing all these proceedings irregular, and ordering every trace of them to be expunged from the journals of the house.[1]

The reader is aware that in the year 1674 the prince of Orange had very unceremoniously refused the hand of the Princess Mary. Succeeding events had taught him to lament his imprudence. All the flattering predictions of his advisers were falsified; and he discovered that he had given offence to the only prince who could enable him either to conclude an honourable peace, or to continue the war with any prospect of success. Convinced that it was his interest to seek a reconciliation, he began in the first place by cultivating the friendship of the favourite minister, the lord treasurer; in the next he condescended to solicit that union which he had previously rejected; and, alarmed at the coldness with which the proposal was received, requested permission to come to England, that he might apologize for his past conduct, and explain his views for the future. Charles, partly through a feeling of resentment, partly through jealousy of his connexion with the popular leaders, affected to hesitate; and, when he gave his consent, made it an express condition that William should leave England before the meeting of parliament. At the close of the campaign, he joined his two uncles at Newmarket: the lord treasurer, and Temple, who was returned from the embassy, were devoted to his interest; and their united efforts extorted from the easy monarch his consent to the immediate solemnization of the marriage, though he had previously arranged with James that it should only follow the acquiescence of the prince in their views with respect to the peace of the continent. The duke was surprised and mortified; but, deeming it his duty to submit to the will of the sovereign, he accompanied his brother

[1] Marvell, i. 348, 355, 359. St. Trials, vi. 1269. North, 71, 73. Harl. MSS. 2202. Correspondence of Clarendon and Rochester, i. 6, 7. Bulstrode, 272. He acknowledged that "the bringing of the *habeas corpus* was a high violation of their lordships' privileges, and a great aggravation of his former offence."—See Hatsell, ii. App. 395—415.

to the council-chamber. Charles announced to the lords that he had concluded a marriage between his nephew the prince of Orange and his niece the Princess Mary, for the purpose of uniting the different branches of his family, and of proving to his people the interest which he took in the security of their religion. "And I," added the duke, "as father of the bride, have given my consent,—a consent which will prove the falsehood of the charges so often made against me, that I meditate changes in the church and state. The only change which I seek, is to secure men from molestation in civil concerns on account of their opinion on religious matters."[1]

This marriage gave universal satisfaction; and during the festivities with which it was celebrated at court, close and frequent consultations were held respecting the conditions which ought to form the basis of a general peace. But on these occasions the uncle and the nephew met with secret feelings of jealousy and resentment, the prince attributing the preponderance of France to the apathy of the king, the king to the obstinacy of the prince; the one insisting with vehemence that Franchecomté should be restored to Spain; and the other as warmly contending that such a demand would oppose an insuperable obstacle to the attainment of peace. At length William yielded; the interests of his ally were sacrificed to the acquisition of a sufficient barrier between France and the United Provinces; and both parties agreed to propose the following project of a treaty to the powers at war: that Holland and France should mutually restore the conquests which they had made; that the territory of France should remain *in statu quo;* that the duchy of Lorrain should be restored to the duke, the rightful sovereign; and that Louis should keep possession of the places and countries which he had won from Spain, with the exception of Ath, Charleroi, Oudenarde, Courtrai, Tournai, Condé, and Valenciennes, which towns should be restored, to form a chain of fortresses separating the new acquisitions of France from the ancient boundary of the republic. Charles acknowledged that the ambition of Louis ought to be satisfied with these terms; he even undertook to propose them to the acceptance of that monarch, and to require an immediate and positive answer; but no arts of the prince could draw from his uncle an engagement to join his forces with those of the confederates in the event of a refusal.[2]

The king felt the awkwardness of the new character which he had assumed. Hitherto he pretended to no other office than that of mediator, now he took upon himself to arbitrate between the contending powers. He was bound by secret treaty to Louis; he received from him a yearly pension; he had been in the habit of making to him protestations of gratitude and friendship; and yet he was about to dictate conditions of peace which would arrest that monarch in his career of victory, and tear from him a valuable portion of his conquests. Having selected Lord Feversham[3] for the mission, he gave him instructions to deliver his message

[1] Danby, Letters, 130—150, 285. Temple, ii. 419, 421. James, i. 508—510. Dalrymple, ii. 126.

[2] James, i. 510. Danby, 152—156. Temple, ii. 422. Temple, indeed, affirms that the king pledged himself to make war in case of a refusal on the part of Louis (p. 426). It is however evident from the letter of Danby to the prince, of Dec. 4, that up to that day no such pledge had been given (p. 162). It may be, that Temple writing from memory has occasionally confounded dates and circumstances. Danby writing at the time, and to the prince, respecting a negotiation in which they were both engaged, could not be in error.

[3] Louis Duras, marquis de Blanquefort, and nephew to the great Turenne, was a French Protestant, naturalized in England, and appointed captain of his guard by the

in the least offensive manner; to state that the restoration of the seven towns was a condition from which nothing could induce the prince of Orange to recede; that it was considered necessary for the preservation of Flanders, to which Louis himself had given up all pretensions; that the people of England were so deeply interested in the fate of that country, that the king could "never live at ease with them," if he were to suffer it to be annexed to France either by war or treaty; that, as the parliament had already compelled him to withdraw from his alliance with Louis, so it was to be feared that they might at last force him into a war against that monarch; and that, should the project of peace be accepted, the acquiescence of the French king in that point "would remove all accidents that might obstruct the existing friendship between the two crowns." Feversham proceeded to Paris; and, as he had nothing more in command than "to desire the most Christian king's judgment on the proposal," it was expected that he would not be detained above two days; but a fortnight passed without any tidings of his return, and the prince of Orange was compelled by despatches from the continent to hasten back to the theatre of war.[1]

In the French cabinet Colbert argued warmly in favour of the project; Louvois, who spoke the sentiments of his sovereign, contended for the prosecution of the war. After several delays, Feversham received this answer, that Louis had read the proposal with surprise; that to call on him to surrender the seven fortresses was as unreasonable as to amputate a man's feet, and then bid him walk; but that, in proof of his moderation, he would consent to a truce for all the towns, whether they belonged to Spain or Holland, which were situated between the Meuse and the sea, according to the demarkation of 1668.[2] The envoy returned; and the next post brought advice that in defiance of the season the French army had taken the field, and had invested Guislain, which was expected to fall in a few days. Such conduct irritated the pride of Charles; he ordered the adjournment of parliament to be shortened from April the 4th to January the 15th;[3] and compelled Montague, the ambassador, who had obtained leave of absence, to return in all haste to Paris. He was instructed to express the surprise of the king, that the epithet "unreasonable" should be applied to an arrangement which was necessary for the preservation of Flanders; his apprehension that the rejection of the project would compel him to adopt

duke of York. He was created Baron Duras (19th January, 1673); and on the death of his father-in-law, the earl of Feversham, succeeded to that title in 1677.

[1] The instructions for Lord Feversham have been published by Lord John Russell, in his Life of William Lord Russell, ii. 218—224. They show how incorrect Temple is in his statement of the terms to be proposed by Feversham to Louis.

[2] Danby, i. 161. By the treaty of April 5, 1668, an imaginary line was drawn from Ostend through Ghent, Ruplemond, and Mechlin, to Argenteau, and it was agreed, in the event of a refusal to make peace on the part of Spain, that England and Holland should make conquests on the north, and France on the south, of that line.—See Dumont, vii. 89.

[3] That this was the real cause, is plain from the instructions to Hyde and Montague.—Danby, 161, 327. Life of Lord Russell, ii. App. 225. The shortening of the adjournment could not have proceeded, as Dalrymple asserts (p. 128), from resentment on account of the stoppage of the French pension; for the first took place on Dec. 3, the latter on Dec. 17. Neither is Dalrymple more correct in his account of the manner of adjournment. The king announced by proclamation that the attendance of distant members on the 3rd of December would be unnecessary, as the house would meet only to adjourn to the 4th of April; on account, however, of the change of circumstances, when they did meet, they adjourned at the king's request only to the 15th of Jan.—Journals, Dec. 3, 1677.

measures which it was his most anxious wish to avoid; his persuasion that the sacrifice demanded of Louis was trifling in comparison with the risk which he himself must encounter from the discontent of his subjects; and his intention of meeting his parliament before the French army could have time to extend its conquests in Flanders.[1] On the same day Charles sent directions to Hyde, the ambassador at the Hague, to propose to the States a new treaty after the model of the triple alliance, by which the two powers should be bound to each other, not only to defend themselves against all aggressors, but also to declare war, England against France, the States against Spain, if either France or Spain should reject the proposed treaty of peace. The prince of Orange received this intelligence with feelings of astonishment and triumph. He had not expected such a demonstration of vigour from the indolence of his uncle: his influence soon obtained the consent of the States-General; and in a few days the new treaty was concluded, with the full but unavowed sanction of the Spanish government at Brussels.[2]

Anxious as Louis had always been to prevent the union of Charles with his enemies, yet he did not suffer the apparent hostility of the English king to withdraw him from his purpose.

1. A long time must necessarily elapse before the British troops could take the field. They were not yet levied, nor had any vote of credit been passed for their support. But a fleet might soon be formed of the ships in actual service; and therefore, as a measure of precaution, he despatched secret orders for the evacuation of Sicily, and the immediate return to France, both of his army in that island, and of his naval force in the Mediterranean.[3] At the same time he sought to damp the military ardour of his English brother, first, by suspending, though with many apologies and expressions of personal esteem, the payment of the yearly pension, of which fifty thousand pounds was actually due; and then by proposing a general truce for twelve months, during which expedients might be devised to satisfy every interest. He assured Montague that no consideration would ever induce him to part with Condé, Valenciennes, and Tournai; and left it to his minister to add that, if Charles could prevail on the prince to consent to the cession of those places, their full value should be paid to the English king in bars of gold concealed within bales of silk, and any sum which the lord-treasurer might name as the reward of his services should be remitted to him in the shape of diamonds and pearls. As another inducement, a hint was thrown out of a marriage between the dauphin and Mademoiselle d'Orleans, the niece of Charles, with the remark, that the interests of that young lady ought to be as dear to her uncle as those of his nephew William. Montague (if he had not already tasted of the bounty of the French king, he had at least received a promise of remu-

[1] See Life of William Lord Russell, ii. App. 224—227. Montague's message was taken by Louis and Louvois as conveying a threat of hostilities to follow.—Danby, 41, 42.

[2] Danby's Letters, 161, 162, 166, 328. Dumont, vii. 341. C. Journ. May 2, 1678. In the treaty both powers agreed to compel jointly France and Spain to consent; but in article ix. the States assert that they have sufficient assurance of the consent of Spain (*satis certi sunt*), so that the treaty was in reality directed against France alone. Yet this important point was concealed in the abstract of the treaty entered on the journals.

[3] J'envoyai le maréchal de la Feuillade avec ordre de ramener les troupes, et je lui ordonnai de s'y préparer avec tant de secret et de diligence, que l'union de l'Angleterre avec mes ennemis ne rendît pas leur retour impossible.—Œuvres de Louis, iv. 143.

neration) was careful, in the letter which conveyed these proposals, to paint them in the most inviting colours.[1] But the king proved himself superior to temptation. On the one hand he was kept steady to his purpose by the representations of Danby, who ardently wished to provoke a war with France, on the other by the duke of York, who warmly espoused the quarrel of his son-in-law, and flattered his own ambition with the hope of reaping an ample harvest of military glory. At the duke's suggestion instructions were sent for the return of the English troops serving in the pay of France; a strong squadron sailed to the Mediterranean to reinforce the fleet under Sir John Narborough; commissions were issued for the completion of the old and the raising of new regiments, and possession of the port of Ostend was demanded from the Spanish government as a depôt for the use of the English army in Flanders.[2]

2. But besides the sovereign there existed another power, with which Louis did not think it beneath his dignity to negotiate. The marriage of the Princess Mary had convinced the popular leaders that the prince of Orange had abandoned their party. Some of them without delay sought the ear of the French ambassador; a new plan of opposition was devised; and at his suggestion it was resolved to attribute the recall of the English troops from the French service (a measure which they themselves had repeatedly recommended in parliament) to an intention on the part of the king of rendering himself absolute with the aid of a standing army. With these men Barillon was ordered to continue his connection: but several, and those the most influential, stood aloof; and to them the younger Ruvigny was despatched from Paris, as a more acceptable instrument, on account of his relationship to Lady Vaughan, and his intimate acquaintance with the family of Russell.[3] On his arrival he waited on the king and the lord-treasurer, to acquaint them that an equivalent might perhaps be accepted for Condé and Valenciennes, but never, in any circumstances, for Tournai. In a private audience with Charles, he made to him the most liberal offers of pecuniary assistance, and begged him to be on his guard against the pernicious counsels of Danby, who sacrificed the interests of his sovereign to his own desire of popularity. To Danby himself he repeated assurances of the high esteem in which he was held by the French monarch, and expressed a hope that the minister would employ the influence which he so deservedly possessed both with the king and the prince, to extinguish rather than foment animosities and resentments. Finding, however, that his arguments and eloquence made no impression, he sought and obtained several interviews with Lord Holles and Lord Russell. The latter he found open and communicative; the former was cautious and reserved, but a most bitter enemy of the court. Both seemed to apprehend that there might exist a secret and collusive understanding between the two monarchs; that the present appearance of dissension was assumed merely as a feint to furnish Charles with the pretext of demanding a supply; and that the articles of peace were already

[1] Dalrymple, ii. 128. Danby, 40, 45, 48, 61.

[2] Danby, 58, 171, 174, 176, 190. Dalrymple, ii. 146.

[3] Ruvigny was instructed to apply first to the king, and then, if he failed of success, to Lord Russell. He came about the middle of January, returned to Paris on the 8th of February, and came back before the end of the month. Whether he explained himself to Holles and Russell in his first visit is uncertain. The interviews mentioned in the text are detailed in a memoir of Barillon of the 4th of March.

settled, and would be made public as soon as the money bill should be passed. But when this cause of jealousy was removed, *they* agreed to append to the supply conditions which should render it unacceptable to the king; to bring forward charges against the lord-treasurer and his friends; to harass the duke of York and the Catholics with the proposal of new disqualifications; and to employ every means in their power to provoke the king to adjourn or prorogue the parliament; and Ruvigny, on the part of his sovereign, promised, that, if by their opposition Charles were compelled to renew his connection with France, Louis should employ all his influence to procure a dissolution of parliament and the ruin of the lord-treasurer, two objects equally desired, as equally conducive to their interests, both by the popular party and the French monarch. There is no reason to suppose that Holles and Russell were betrayed into this dangerous and illegal intrigue by pecuniary considerations. It was with them the effect of party zeal and political resentment; and when Russell was asked by Ruvigny to point out the persons among whom he should distribute the large sum which he had brought with him from France, that nobleman indignantly replied, that he should be sorry to have communication with men who were to be bought with money. His friends, however, were less scrupulous, and it will subsequently appear that several of them accepted valuable presents from the French monarch.[1]

3. From England Louis turned his attention to the Hague. In the United Provinces there was scarcely a man who did not wish for a separate peace. Even those who opposed it in the States were not restrained by principles of honour, but by the ascendancy possessed by William, who still refused to hear of any proposal, by which his allies should be abandoned to the resentment of their enemy. But, since his marriage into the royal family of England, his influence had been on the wane; and his countrymen began to suspect the object of his connection with a monarch, whom of all men they considered as their most bitter enemy. To strengthen this impression, the French ambassador was plentifully supplied with money, and his agents were instructed to throw out insinuations against the patriotism of the prince, to attribute his obstinacy in opposing a separate peace to his love of military command, and his frequent intercourse with the English court to a joint design of establishing a system of arbitrary power, both in England and in the Netherlands. The advocates of peace multiplied rapidly; their numbers encouraged them to speak in a bolder tone, and the prince saw that without some very important change in affairs, he should be no longer able to control the general wish of his countrymen.[2]

When the parliament met, Charles informed the two houses that he had made an alliance defensive and offensive with the States for the protection of Flanders; that having failed in his efforts to procure peace by fair means, he would endeavour to procure it by force; that for this purpose it would be necessary to put ninety sail of ships in commission, and to raise thirty or forty thousand men, and that he therefore expected from his faithful subjects a prompt and plentiful supply, which they were at liberty to appropriate to particular purposes in the most rigorous manner that could be devised. The

[1] Dalrymple, ii. 129—136. Danby, Letters, 50, 53, 56, 59.

[2] Danby's Letters, 206, 254, 329, 351 Temple, ii. 427.

popular leaders dared not directly oppose this demand;—for they had been the most clamorous among the advocates of war[1]—but to the address of thanks for the royal speech they artfully appended two very popular but unpalatable requests, that the king would never consent, and would bind his allies never to consent, to any peace which did not confine France within the limits formerly settled by the treaty of the Pyrenees; and that he would make it a condition of the confederacy, that all commercial intercourse with France should be prohibited, and all articles of French growth or manufacture should be destroyed wherever, either by land or sea, they might be found. Charles commented on this address with great severity of language. He had complied with their request of the 20th of May by making an alliance with Holland; but they seemed to have forgotten their promise of supplying him with money to accomplish the object of such alliance, and had again invaded his prerogative by prescribing to him the conditions to be inserted in treaties; but they should know that he held the reins of government in his hand, and would continue to hold them for the safety of his people and himself. In addition they presumed to interfere with the commercial regulations of foreign and independent governments, which must be provoked by such interference, and to dictate the terms of a future peace, as if they possessed a knowledge of the future contingencies of war; and this too at a time when not a ship, a regiment, a single penny had been voted to enable him to support the language which they wished him to assume. In the debate which followed, the country party maintained that they dared not grant money for the support of an alliance, the conditions of which had not been communicated to the house; but the minister obtained a majority of forty-two voices, and a supply was voted in general terms for the maintenance of a fleet of ninety sail, and an army of thirty thousand men.[2]

The extraordinary conduct of the house of Commons induced the king to reflect seriously, before he suffered himself to be irrevocably drawn into the war. The French troops were already in motion: it was plain that his opponents, if they could not prevent, would at least retard the supply, till it should be too late for him to influence the events of the campaign: the States not only talked of a separate peace, they refused to furnish their quota of ships to the combined fleet, and Villa Hermosa declared that a pacification on any conditions was better to Spain than the continuance of the war.[3] Charles began to hesitate; new expedients suggested themselves to his mind; and he resolved to make another effort to procure a peace. As France had expressed a willingness to restore Condé and Valenciennes, the single town of Tournai constituted the principal subject of dispute; and the king persuaded himself that Louis might be brought to accept, William to yield, Charlemont in its place. With this proposal, he despatched Ruvigny to Paris, Godolphin to Holland; but with the intimation that the suggestion proceeded from himself, that he still intended to abide by the determination of his nephew, and that he

[1] Ils disent qu'ils n'ont jamais prétendu s'opposer ouvertement à donner de l'argent au Roi; que ce seroit le moyen de s'attirer la haine du peuple, et le reproche de tout ce qui pourroit arriver dans la suite.—Dalrym. 134. James, in a letter of Feb. 5, observes to the prince, that "those who seemed to be most zealous for a war with France last session, are those who obstruct most the giving a supply."—Ibid. 147.

[2] C. Journ. Jan. 29, 31, Feb. 4, 5. Parl. Hist. iv. 896, 915—925.

[3] See the instructions to Godolphin, Danby's Letters, 346.

should consider the investment by the French of any Spanish town before he received an answer, as a declaration of war against England. The reply of Louis was probably evasive, that of the prince of Orange, who had been privately instructed by Danby, a direct refusal.[1]

While the projects of Charles were paralyzed by doubts and jealousies, Louis displayed a spirit of enterprise, which astonished, and ultimately subdued his enemies. About the end of January he proceeded from Paris to Metz, and every eye was directed to the armies on the Rhine: in a few days Namur, and then Mons, were invested, and the prince of Orange and the Spanish generals hastened to the protection of these fortresses: next Louvois approached Ipres, and its numerous garrison was confined within its walls: at last the Marshal D'Humières with a large division sat down before the important city of Ghent, the real object of all these movements; in three days the king arrived in the camp; the trenches were opened, and the inhabitants capitulated. Soon afterwards Ipres fell, and Louis, satisfied with these conquests, engaged to undertake no military operations during two months. He had opened a road into Holland; he had placed himself in a situation to insult at any hour Brussels, the seat of the Spanish government, and he paused to ascertain what impression this change of circumstances might make on the confederates.[2]

In England the reduction of Ghent provoked a general cry for war. The house of Commons hastened to pass a bill, imposing a poll-tax as part of the supply; but the popular leaders were careful to incumber it with provisoes thought to trench on the lawful authority of the crown, and to take from its value by the introduction of a clause, which prohibited the importation of French commodities, and consequently lopped off one of the most productive branches of revenue. It was expected that Charles would resent this artifice;[3] but, guided by the counsels of his brother and the lord-treasurer, he silently accepted the bill, despatched three thousand men to Ostend, and issued levy-money to twenty colonels, each of whom bound himself to raise a regiment of one thousand men in the space of six weeks. His adversaries in parliament were surprised at his vigour, but did not relax from their efforts to embarrass his proceedings. Lord Russell inveighed with warmth against popery and a standing army; Sir Gilbert Gerard hinted a suspicion that, if the new regiments were raised, they would be employed, not against the enemy, but the liberties of the country; a committee was appointed to

[1] Ibid.; also p. 197, 204. Dalrymple, ii. 147, 148. Clarend. Corresp. i. 5. On Feb. 8th, Danby wrote to the prince that "there was no cause to fear any alteration in the king; but that, if his highness did not approve the having such conditions offered to France, he might be confident he should hear no more of them."—Dalrymple, ii. 156. It is probable that this letter was written by the king's order; for the next day Danby writes a second letter, which he desires may be burnt, exhorting the prince to refuse the proposal, and instructing him to return two answers, one private for the minister himself, and another fit to be shown to the king.—Danby, 197—199. In this second letter he says, that in parliament "all doubt whether his majesty will go freely into war, and *not without cause:*" words whence some writers have not hesitated to infer that Danby thought the king insincere in his present professions. To me, however, it appears from the whole context of his despatches that he does not charge him with insincerity, but fears that the offers and persuasion of the French envoy may induce him to have recourse again to negotiation. See also p. 363.

[2] Louis, iv. 123—162.

[3] Charles adverted to this artifice in the next session, and delared that, if such innovation were continued of "tacking together" matters of a different nature in the same bill, "that bill should certainly be lost, let the importance of it be never so great."—C. Journ. May 23, 1678.

inquire into the dangers with which the established church was threatened by the growth of popery; and an address was voted, praying the king to declare war without a moment's delay, to dismiss the French envoys, and to recall his own commissioners from the congress at Nimeguen. The object of the supply, and the tone of this address, provoked Ruvigny and Baril on to expostulate with their friends, the former with the lords Russell and Holles, the latter with Buckingham and Shaftesbury. They all returned the same answer, that they had violated no pledge; that to oppose the grant of money would have been dangerous, but they had clogged it with conditions most offensive to the king; and that in moving the address, they had sought to draw from him the disclosure of his real intentions, an object not more beneficial to themselves than to the French monarch; for, were he once with the aid of an army to secure the persons of his political opponents, he would be able to obtain from a servile parliament whatever aid he might demand for the prosecution of the war. Lord Russell carried up the address to the house of Lords for their concurrence; but they contended that it would be folly to plunge the nation into hostilities without some previous knowledge of the intentions of the allies. A conference followed; neither house was convinced by the other; and the Lords in conclusion returned a direct refusal.[1]

The fact was, that the success of Louis had subdued the obstinacy of the confederates. The emperor, the queen of Spain, the prince of Orange, acquainted the king, by their ambassadors, that they no longer objected to the cession of Tournai, and in addition of Valenciennes, if France would restore the other five towns, and with them her recent conquests.[2] Charles received the information with joy: of the acquiescence of Louis he entertained not a doubt, and instantly devised a plan of providing for his own interests, while he seemed to consult only those of the allies. Calling for Danby, he compelled him to write to the ambassador at Paris the celebrated letter, which at a subsequent period led to the disgrace and ruin of that minister. By it Montague was told that in the official despatch he would find instructions to do nothing more than sound the disposition of Louis in respect to these terms; because it was necessary to keep secret the real object of the king. He was, however, to make the proposal, and to pledge the word of his sovereign for the consent of Spain and the States. If it were rejected, he was to add nothing more; but, if accepted, to demand for Charles, as the reward for his good service, a pension of six hundred thousand livres during the three following years. A postscript was added in the hand of the king: "This letter is writ by my order, C. R."[3] By Louis the offer was refused without hesitation: it came,

[1] C. Journ. Feb. 18, March 8, 15, 22. L. Journ. xiii. 186, 192, 196. Parl. Hist. iv. 940—956. Barillon, 134, 137.

[2] M. le duc de Villa Hermosa a répondu qu'il accepteroit les conditions.....Pour nous, nous ferons de même, et ainsy voilà la paix faite, si la France continue à la vouloir sur ce pied: de quoi je doubte fort. —The prince to Danby, March 17, p. 214. See also Danby's Letters (ibid. 210); and Hyde's from the Hague, ibid. 329.

[3] Danby, 70—76. The facts that the bill for the poll-tax received the royal assent on the 29th, and that the king proposed terms of peace to Louis on the 25th, have induced most writers to charge him with deceit, with pretending hostility to France till the money was voted, and then seeking a peace, that he might put the money in his pocket. But attention to dates and events will not justify the inference. It was not before the 14th of March that the bill passed the Lords, when it was known that a strong inclination to make peace existed in the Dutch and Spanish councils. On the 15th the two houses informed the king that they had provided money, and wished him to declare war without delay. He waited four days

he said, too late; his recent successes entitled him to greater advantages; he might, indeed, restore Guislain and Ghent, but he would retain Ipres; and he had given instructions to his envoys at Nimeguen to make an almost similar proposal to the confederates, by which, however, he should not hold himself bound unless it was accepted by a certain day. Charles was disappointed and offended; his warlike spirit revived, and he suggested to the foreign ministers at his court the conclusion of a quadripartite alliance, which he would follow up with a declaration of war. The Spanish ambassador and the imperial envoy assented with joy, but the Dutch hesitated; he had neither powers nor instructions, and dared not act without them.[1] That he might have time to consult the States, the parliament, which had met after the Easter recess, was adjourned for a fortnight, and in that interval Van Beuningen received the necessary powers, but without any instructions for his guidance. It was before suspected, it now became manifest, that the States would enter into no engagement which might throw obstacles in the way of a separate peace. Before a few days were passed, they voted a resolution to accept the terms offered by France.

On the meeting of parliament, the lord chancellor, by order of the king, explained to the two houses the past course and the present state of these negotiations, and in conclusion solicited their advice, with a promise that it should be faithfully followed. But the popular leaders had not forgotten their engagement to the French ambassador.[2] They induced the house to listen to a long and tedious report from the committee for religion, which had discovered that a dozen Catholic priests resided in the counties of Hereford and Monmouth, and that the laws which gave two third-parts of the estates of Catholic recusants to the crown were often evaded by means of secret trusts and conveyances. This was sufficient; the alarming intelligence awakened the fears of the godly and the credulous; and a resolution was passed, that the house could not, consistently with its duty, lay any additional charge on the people, till the kingdom was "secured, and the dangers were prevented, which might arise from the prevalence and the countenance given to the popish party."[3] When the king heard of this vote, so unfounded in fact, and so insulting to his government, he burst into expressions of astonishment and indignation; he saw that the object of its authors was to fortify themselves with the passions of the people, and to connect the refusal of supplies with demands for the security of religion; and he openly charged with deception those among his counsellors who had urged him to enter into war on the ground that he would meet with the co-operation of parliament. There remained, he said, but one resource

before he returned an answer, expecting probably certain intelligence from the continent. It did not, however, arrive, and on the 19th he promised to pass the bill, which he did the next day. The prince of Orange wrote his answer, stating that all parties would accept the conditions formerly proposed, on the 17th, which would reach London between the 20th and 25th, and on the receipt of this answer, the king ordered the proposals to be sent to Montague.

[1] Dalrymple, ii. 155. C. Journ. Ap. 29. The next day Danby complains to the prince—"I do from my soul believe that our parliament and your States contribute more to the service of the French king than the best army he has could do" (p. 219).

[2] See p. 38.

[3] The evidence on which this vote was founded occupies five folio pages in the printed journals, under the date of April 29, and deserves attention, as it shows what trifles may serve to raise the fiercest ebullitions of religious animosity under the management of bold and artful leaders.—Journals, April 29.

for himself. The confederates were willing to accept the terms offered by France; they should have his assistance; and he would demand money for concurring in the accomplishment of a pacification, which would equally be accomplished without his concurrence.

With this view he wrote a conciliatory letter to Louis, and ordered the lord-treasurer to commence a negotiation with the French ambassador. The subsequent proceedings in parliament served to confirm him in his determination. The Commons voted an address for the removal of the duke of Lauderdale from the council, pronounced the alliances lately concluded by the king inconsistent with the good and safety of the kingdom; advised him to comply with their previous addresses, and prayed him to banish from his presence the counsellors who had induced him to reject their first advice. Charles on the other hand informed them that without a prompt supply a portion of the fleet must be laid up, and a considerable reduction be made in the army. After some debate they refused to consider the subject; and the king sending for them to the house of Lords prorogued the parliament, but only for the short space of ten days.[1]

Louis, in the mean time, aware of the impression which his victories and his emissaries had made on the public mind in Holland, despatched a letter of the most pacific tendency to the States, and awaited their reply in his camp at Wetteren, on the right bank of the Scheldt. They immediately consulted the English, Spanish, and imperial ambassadors, who, by the secret advice of the prince, returned for answer, that they ought to abide by their engagements, and refuse to negotiate unless it were in company with their allies. But Louis had already won a separate peace by the capture of Ghent.[2] The desire to remove the French army to a distance from the frontier, aided by the distribution of French gold, bore down all opposition; and the prince himself, warned of the unpopularity of his resistance, and driven to despair by the recent conduct of the English parliament, gave a tardy and reluctant assent. Van Beverning proceeded to the French camp, and an armistice was concluded to allow time for the discussion of the articles of peace.[3]

That he might not be disappointed of his object by the interference of England, Louis commissioned Barillon to make a new offer to Charles. Danby no longer advised hostilities —he was deterred by the visible reluctance of the confederates and the violence of his political enemies—the duke of York sacrificed his ambition of military glory to his fear that a war would enable the popular party to make new inroads on what he deemed the legitimate authority of the crown;[4]

[1] Temple, ii. 424. Louis, iv. 163. Dalrymple, ii. 172. C. Journ. April 29, May 4, 7, 8, 10, 11, 13. The parties were so equally balanced, that the fate of every question seemed doubtful. The vote for an address against Lauderdale was carried by a majority of forty-five. On the next day the address itself was rejected by a majority of six, and on the following it was inserted as an amendment in another address by a majority of eight.

[2] Sa prise a forcé mes ennemis à la paix, les mettant hors d'état de soutenir la guerre. —Louis, iv. 146. Some of his council thought it beneath the king to solicit peace: mais, he adds with great complacency, le bien public, se joignant à la gloire de me vaincre moi même, l'importa.—Ibid. 163.

[3] Ibid. 165, 166. Temple, ii. 437. Clar. Corresp. i. 17. Danby's Letters, 254, 338, 341, 358. "The prince said to me alone, that finding the distractions and divisions increase every day in parliament, was that which did most of all discourage him from struggling any longer against the inclinations of this whole country to the peace."—Godolphin to Danby, May 14. Ibid. p. 361.

[4] See his letters to the prince, Dalrymple, ii. 172—175.

and Charles readily subscribed a secret treaty, by which it was stipulated, that unless the States signified their formal acceptance of the terms offered at Nimeguen within the space of two months, the English king should withdraw his forces from the continent with the exception of three thousand men, to form the garrison of Ostend, and should receive from Louis in return the sum of six million livres (four hundred and fifty thousand pounds) by four quarterly instalments. Barillon, however, was not forgetful of his engagement with the popular leaders, and therefore made the first payment depend on two important conditions, the prorogation of parliament for four months, preparatory to a dissolution, and the reduction of the English army to the small force of six thousand men.[1]

The moment the parliament met, the altercation between the king and the Commons was revived. The latter proposed in an address to the throne that war should be declared, or the army be disbanded, without delay. Charles replied that in one case he might be left to fight without allies, and in the other his allies might be compelled to fight without him. *They* resolved that all the forces levied during the last seven months "ought to be paid off and disbanded *forthwith*," and voted the sum of two hundred thousand pounds for that purpose, on the condition that the disbanding should be effected in the short space of three weeks. *He* begged to learn whether it was their intention that the English garrisons in the towns of Flanders should be withdrawn before they could be relieved by Spanish troops; and his opponents, ashamed of their precipitancy, extended the three weeks to sixty days for the regiments serving beyond the sea, but passed a resolution that after three days no additional motion for a supply should be made during the session. The king then called them before him, reminded them of the public debt, which had been contracted some years before, and of the anticipations on the actual revenue, occasioned by his preparations for war, and condescended to request, that if they meant him to pursue hostilities with the petty state of Algiers, or to take that part in continental politics which became the dignity of the crown, or to lead the remaining portion of his life in ease and quiet, they would add to his annual income the sum of three hundred thousand pounds. But this appeal to their feelings was useless: the house passed contemptuously to the order of the day.[2]

In the mean while the negotiation between Louis and the States was transferred from the French camp to the congress at Nimeguen. Every question respecting the personal interests of the two parties was speedily and amicably arranged; a day for the signature of the treaty was appointed; and an armistice for six weeks allowed time for the Spanish government to signify its acceptance of the terms previously offered by Louis. It chanced, however, that a question put by Doria, the Spanish ambassador, drew from the French commissioners an avowal, that though it was the intention of their master to restore the six towns to Spain, he would continue to hold them as securities for his ally, the king of Sweden, till the emperor should have

[1] Dalrymple, ii. 159—168.

[2] C. Journ. May 27, 28, June 4, 7, 13, 15, 18. Parl. Hist. iv. 977, 983, 986, 994. On the last day a test was proposed for the discovery of such members in that house as had received bribes or any other consideration for their votes, either from the English government or foreign powers. The popular leaders spoke warmly in its favour, but before the last division took place, about one hundred members slipped out of the house, and the motion was lost by a majority of fourteen.—C. Journ. June 18. Parl. Hist. iv. 1000.

restored the conquests which he had made from that prince. This declaration put an end to the treaty. The States forbade their commissioners to sign without new instructions; Charles expressed his conviction that Louis sought only to divide, and by dividing to oppress, the confederates; and the council unanimously adopted the advice of the duke of York, to enter immediately into the war. The period for disbanding the army was in consequence prolonged;[1] four thousand men, led by the earl of Ossory, joined the English regiments in Flanders; another corps of equal force held itself in readiness to embark under the command of the duke; and Temple hastened to the Hague, where, in defiance of French influence, he concluded a treaty stipulating that, unless France should recede from its new pretensions in favour of Sweden within fourteen days, the two powers should unite their forces to compel the acceptance of the proposals formerly made by the king of England, or such other conditions as the success of the confederates might entitle them to demand.[2]

Though Louis was disconcerted by this display of spirit, so unexpected on the part of the English king, he did not despair of subduing the obstinacy of the States. With this view his commissioners at Nimeguen employed for thirteen days every art which diplomatic finesse could devise. They declared that the resolution of their master was irrevocably taken; they suggested forms of compromise, the substitution of an equivalent in favour of Sweden, the discussion of the subject at Ghent or St. Quintin in the presence of Louis: but on the fourteenth, when every man looked forward to the renewal of hostilities, they announced their willingness to yield, on condition that the peace were signed before midnight. Van Haren, one of the Dutch commissioners, hesitated, because he had understood that not only the peace with the States, but also that with Spain, was to be signed at the same time; his scruples, however, were removed by the authority of his colleague Van Beverning, and both, in conjunction with Odyck, the third commissioner, subscribed the same evening two treaties, one of peace and another of commerce, be-

[1] This prolongation revived a question of privilege between the houses. In the bill granting two hundred thousand pounds for the disbanding of the army, the Lords introduced an amendment prolonging the time from three weeks to the end of July, even for the forces in England. The Commons acknowledged the propriety of the delay, but denied the right of the Lords to make any alterations in a money bill, and therefore, rejecting the amendment, substituted a proviso to the same purpose. The Lords rejected the proviso in return; and the Commons passed a resolution that "all aids in parliament are the sole gift of the Commons; that all bills for that purpose ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such bills the ends, considerations, conditions, and qualifications of such grants, which ought not to be altered by the house of Lords."—C. Journ. July 3. This doctrine was, however, denied by the Lords. It was, they replied, founded solely on the act of Henry IV. entitled "Indemnity des Seigneurs et Communes," which took, indeed, from the Lords their former right of originating such bills, but left all other legislative rights as full and free to one house as to the other. The Commons might keep it a *vexata quæstio* as long as they pleased; but the Lords would never surrender the exercise of their hereditary privileges. Charles feared that he should lose the bill, and with it the sum of two hundred thousand pounds, no trifling consideration to the indigent monarch; but the Lords left the bill at the conference, and refused to take any further notice of it; and the Commons yielded so far as to introduce a new bill, of which the rejected amendment formed a part. In this state it passed both houses.

[2] Temple, ii. 438—443. Jenkins, ii. 389. Dumont, vii. 348. Clarend. Corresp. i.—21. Dalrymple, ii. 181—188. Danby, 226, 228, 253, 291. It appears to me that the king was sincere in these proceedings, as he must have foreseen, what accordingly happened, that he would forfeit of course the six millions of livres which had been promised to him by Louis.

tween France and the United Provinces, without any particular stipulation in favour of Spain. The intelligence excited surprise at the Hague; but it was believed that Beverning acted in pursuance of private instructions from the city of Amsterdam; and peace was so welcome to almost every class among his countrymen, that he had little to fear from the resentment of those who sought a continuance of the war.[1]

To this event, so unexpected by the other powers of Europe, succeeded another which excited equal surprise. On the fourth day after the conclusion of peace, the prince of Orange fought the fierce and sanguinary battle of St. Denis. Of the few fortresses which still remained in the possession of the Spaniards, Mons was the first in strength and importance; but on the east of Mons lay the hostile garrison of Binche, on the west that of St. Guislain; the country to the south was in the hands of the enemy; and early in the spring a strong corps, passing the river Haine, had formed an intrenched camp to the north, and intercepted the communication with Brussels. The blockade had already produced a scarcity within the walls; and in the councils of the confederates it was resolved to make the relief of Mons their first object after the termination of the armistice. With this view the prince, anticipating nothing less than the signature of the treaty, ordered his forces to assemble on the 30th of July, and on the 4th of August led them against the enemy, who were commanded by the [illegible] of Luxembourg. In the valley in front of their camp the French held two fortified positions, the abbey of St. Denis, and the ruins of a fortress called Casteau; the first after an obstinate struggle was carried by the prince of Orange, the second by the duke of Villa Hermosa; but the enemy recovered the latter towards the evening, pursued the Spaniards into the plain, and would have cut off the retreat of the Dutch from St. Denis, had they not been kept at bay by the desperate resistance of the English auxiliaries under the earl of Ossory. During the night the two armies resumed their former positions.[2]

By many, this action, in which the lives of five thousand men were sacrificed, has been deemed a foul blot on the character of William.[3] That he was ignorant of the conclusion of peace no man could believe. The proceedings at Nimeguen, which were already known in London,[4] could not be unknown in the neighbourhood of Brussels; and his haste to commence the battle, though a British force of eight thousand men was on its march to his assistance, proved his anxiety to anticipate the arrival, if it had not already taken place, of contrary orders from the States.

But even ignorance in his circumstances could not form a valid excuse; to justify the renewal of hostilities, he ought to have *known* that the French had suffered the term of fourteen days to elapse without accepting the conditions of peace. It is not, however,

[1] Temple, ii. 444—455. Jenkins, ii. 418—420. Dumont, vii. 360. It was proposed that Charles should guarantee the places in question to Sweden. He was even induced to order Temple to go from the Hague to Nimeguen for that purpose. Thus the French party at the Hague was freed from the presence of a man whose influence they feared, and with the aid of De Crosse, the Swedish agent who brought the order, circulated a report that a secret understanding still existed between Charles and Louis. This, it was believed, led to the clandestine mission of Boreel from the city of Amsterdam to Van Beverning.—Temple, ii. 445—449. Dalrymple, ii. 178. Danby, 256, 289.

[2] For this battle see the Memoirs of Lord Castlehaven, who held a command in the Spanish army, App. 52—58.

[3] See Louis, iv. 171, 172; James, i. 511.

[4] See the duke of York's letter of Aug. 4, in Dalrymple, ii. 189, and Danby's of Aug. 5, Letters, 293.

difficult to discover the motives by which he was actuated. On the one hand, it was of the first importance to Holland that Mons should not fall into the possession of the French, and yet, though the garrison was reduced to extremity by famine, no provision had been made for its relief in the treaty; on the other, a victory obtained over the blockading army would probably prevent the ratification of the peace, and give to William himself the undisputed ascendancy over his political opponents.[1] The attempt was therefore made; and, though he gained no victory, the fortress at least was saved. The next morning the duke of Luxembourg announced to him the conclusion of peace; the armies, after several conferences, separated, that of the allies retiring towards Nivelles, that of France towards Ath, and the communication between Mons and the capital was once more restored.[2]

In England the duration of the session and the expectation of peace had drawn from Parliament several grants of money for the purpose of discharging the extraordinary expenses incurred by the preparations for war. A prorogation followed: Charles found himself at the head of a numerous army, with eight hundred thousand pounds at his command; and he resolved to keep his word to the prince of Orange, and to teach his brother of France the value of his friendship. Fresh bodies of troops were successively sent to Flanders; the Spaniards received assurances of the king's readiness to procure for them the conditions formerly offered at Nimeguen; and the States were summoned, in pursuance of their late treaty, to unite with England for the purpose of compelling the French king to stand to his promise.[3] But it was too late to kindle again the dying embers of war. His interference, indeed, encouraged the Spaniards to demand more favourable conditions; and it gave so much confidence to the anti-Gallican party in the States, that the prince still cherished a hope of recovering the ascendancy; but Louis knew how to yield when it was for his interest. He had already ratified the peace on his part; his ambassadors were instructed to assume a tone of unusual moderation: they receded from several of their demands; and every subject of dispute with the Spanish ambassadors was referred to the decision of the Dutch. This policy succeeded, and the confederacy was broken. Before the expiration of the six weeks, the Spanish ambassadors reluctantly submitted to the terms dictated by their powerful enemy; in a few months the emperor and the empire followed their example; and an end was put to the war, which had raged for six years from the shores of the Baltic to those of the Mediterranean.[4] That the result, so glorious to Louis, so alarming to the other princes of Europe, was in a great measure owing to the indecisive, vacillating, and contradictory

[1] Louis, iv. 167. Dalrymple, ii. 189, 190. Danby's Letters, 232. "If God bless the prince in this one enterprise of Mons, he will be greater here than ever his ancestors were."—Temple, in Danby's Letters, 254.

[2] Dumont, vii. 364.

[3] Temple professes himself ignorant why Charles acted with so much vigour on this occasion; but says that he was advised afterwards that the king's object was to please the parliament on account of the discovery which was then made of the "plot." That, however, is impossible. For Hyde was despatched to Holland on the 12th of August (Danby, 232. Dalrymple, ii. 190), and it is certain that the first intimation of the plot was given to the king on the following day. From the letters of Danby and the duke of York, it appears that the king could not learn the articles of the treaty signed by the Dutch, but knew that worse terms had been offered to the Spaniards than before; that he believed Louis did not intend to make a general peace; and that the account of the battle of St. Denis, sent by the prince, taught him to expect a second battle, and a continuation of the war.—Danby's Letters, 232, 233, 256, 296.

[4] Dumont, vii. 352, 363, 376.

conduct of the English cabinet, cannot be denied. But the blame must not be laid exclusively on the king; it ought to be shared with him by the leaders of the country party. If his poverty, his love of ease, his fear of the opposition in parliament, taught him to shrink from the cares and embarrassments consequent on a declaration of war, *their* desire of popularity combined with party spirit, perhaps with more mercenary motives, led them to act in opposition to their professions, to urge the king to take part in the quarrel, and at the same time to prevent him from following their advice by refusing the necessary supplies. In truth, the jealousy of the two parties was so deeply rooted, their strength in the house of Commons so nearly balanced, that the powers of government became paralyzed, and the crown of England lost its legitimate influence in the counsels of Europe.

From continental politics the reader must now divert his attention to one of the most extraordinary occurrences in our domestic history,—the imposture generally known by the appellation of Oates's plot; an imposture which, brought forward in a time of popular discontent, and supported by the arts and declamations of a numerous party, goaded the passions of men to a state of madness, and seemed for a while to extinguish the native good sense and humanity of the English character.

Its author and hero was Titus Oates, *alias* Ambrose, the son of a ribbon-weaver, who, exchanging the loom for the Bible, distinguished himself as an Anabaptist minister during the government of Cromwell, and became an orthodox clergyman on the restoration of the ancient dynasty. Titus was sent to Cambridge, took orders, and officiated as curate in several parishes, and as chaplain on board of a man-of-war; but all these situations he successively forfeited in consequence of his misconduct, of reports attributing to him unnatural propensities, and of the odium incurred by two malicious prosecutions, in each of which his testimony upon oath was disproved to the satisfaction of the jury. Houseless and penniless, Oates applied for relief to the compassion of Dr. Tonge, rector of St. Michael's, in Wood-street, a man in whom weakness and credulity were combined with a disposition singularly mischievous and astute. Tonge had proclaimed himself an alarmist; his imagination was haunted with visions of plots and conspiracies; and he deemed it a duty to warn his countrymen by quarterly publications against the pernicious designs of the Jesuits.[1] In Oates he found an apt instrument for his purpose; and, as the example of Luzancy held out a powerful invitation to informers against the Catholics, it was arranged between them that the indigent clergyman should feign himself a convert to the Catholic faith, and under that cover should seek to worm himself into the more secret councils of his instructors. He was reconciled by a priest of the name of Berry,[2] who obtained for the neophyte a place in the college under the administration of the English Jesuits at Valladolid in Spain. But the habits of Oates accorded not with the discipline of a college, and after a trial of five months, he was disgracefully expelled.

[1] "As all a man of my rank could do, I resolved to oppose yearly and quarterly, if possible, some small treatises in print to alarm and awaken his majesty and these houses."—Tonge's information to the house of Commons, in L'Estrange, Brief History, ii. 53.

[2] Berry, *alias* Hutchinson, was first a clergyman of the Established Church, then a Jesuit, next a secular priest, afterwards a Protestant and curate of Berking, and last of all, a second time a Catholic. It was generally understood that he was deranged.

By the advice of Tonge he made a second application; his tears and promises subdued the reluctance of the "provincial;" and the repentant sinner was received into the college at St. Omer. But Oates was still unable to govern his unruly disposition: again he suffered his real character to pierce the flimsy cover which his hypocrisy had thrown over it; and his petition to be admitted into the novitiate was answered by a peremptory order for his expulsion. From St. Omer he repaired a second time to his patron; but the information which he had been able to glean from the reports current among his fellow-students was scanty and uncertain; and the only thing of seeming importance which he could communicate was the bare fact that several Jesuits had, in the month of April, held a private meeting in London. On this foundation, however, frail and slender as it was, the two projectors contrived to build a huge superstructure of malice and fiction. The meeting was in reality the usual triennial congregation of the order: *they* represented it as an extraordinary consult for a particular purpose: it was composed of the provincial and the thirty-nine eldest members: *they* introduced into it almost every Jesuit with whose name Oates was acquainted: it had been held with much secrecy, but imprudently enough, in the duke of York's palace at St. James's;[1] *they* fixed it at an inn in the Strand, the former inmates of which were no longer to be discovered: it had for its object the nomination of the treasurer, and the arrangement of the internal concerns of the society: *they* described it as a consultation on the most eligible means of assassinating the king, and of subverting by force the Protestant religion. In support of this fable they subsequently invented an immense mass of confirmatory evidence, detailing the conveyance of treasonable letters, the subscription of moneys, the distribution of offices, and the preparation of a military force; and when the narrative (so it was afterwards termed) had assumed the proper shape, it was written in Greek characters by Oates, then copied in English characters by Tonge, and lastly communicated under a promise of secrecy to one Kirkby, who, having been occasionally employed in the royal laboratory, was personally known to the king.[2]

On the 13th of August, at the moment when Charles was preparing to walk in the park, Kirkby stepped forward, and in an undertone begged him not to separate from the company, because his life was in danger. The alarming intelligence made no sensible alteration in the royal manner; but it led to a private interview in the evening, when Tonge attended with a copy of "the narrative," divided into forty-three articles, and was immediately referred by the king to the lord treasurer; to whose inquiries the informer replied that the original narrative had been thrust under the door of his chamber; that he knew not the author, but was possessed of a clue, which might lead to the discovery; and that he would endeavour to learn the residence of Pickering and honest William, who had undertaken to assassinate the king, or would point out their persons when they were walking, according to their

[1] Reresby, 195.

[2] L'Estrange, Brief History, ii. 81, 91, 101, 102. The Shammer Shamm'd, p. 8. Preface to Tonge's Royal Martyr. Castlemaine's Apology, 57, 63. "Vindication of the Inglish Catholiks from the pretended conspiracy against the life & government of his sacred majesty, discovering the cheife lyes and contradictions contained in the narrative of Titus Oates, M.DC.LXXX.," with an Appendix of twenty attestations or affidavits; and Florus Anglo-Bavaricus, Leodii, 1685, p. 93, 200.

custom, in the park. The coldness with which the discovery was received goaded the projectors to new exertions: additional articles were sent in; the days when the assassins might be apprehended at Windsor were named; and excuses, to account for their non-appearance, were successively framed. By this time Charles had become incredulous; he laughed at the simplicity of Danby; and when that minister solicited permission to lay the narrative before the privy council, hastily exclaimed, "No, not even before my brother! It would only create alarm, and may perhaps put the design of murdering me into the head of some individual who otherwise would never have entertained such a thought."[1]

Danby had insisted on the inspection of some of the numerous papers mentioned in the information. After repeated evasions, he was told that a packet, containing treasonable letters, would on a certain day arrive at the post-office, addressed to Bedingfield, the confessor to the duke of York. To intercept it, the lord treasurer hastened to Windsor, but found the letters already in possession of the king; for Bedingfield had previously received them, and under the persuasion that they were forgeries, had delivered them to the duke. A rigorous examination took place. One was evidently written by the same person who had penned the information presented to the king by Tonge: the similarity of the other four, though in a feigned hand, plainly showed that they must have been the work of one individual. In addition, they all presented the same absence of punctuation, the same peculiarities of spelling and language, and the same ignorance of the real names of the supposed writers and their friends, though they purported to come from five different persons of good education, writing some from London, and others from St. Omer. It was impossible to doubt of the imposture, or of the office in which the letters had been forged.[2]

Soon after the transmission of these letters, Oates and Tonge, under the pretence of concealment and security, repaired to the lodgings of Kirkby at Vauxhall. That dupe repeatedly attended at court, and presented himself before the king; but Charles, who had already formed his opinion of the plot, invariably passed him by without notice. It was not, however, the intention of the projectors to suffer the discovery to be buried in silence. Distrusting the intention of the council, Oates made affidavit to the truth, first of the original narrative of forty-three, and then to the improved edition, of eighty-one articles, in the

[1] Brief Hist. 104. Echard, 947. Vindication, 20. Kirkby's "Compleat and True Narrative," with Danby's impartial state of his case, and his ples in the Journals of the House of Lords, xiii. 538.

[2] See the Letters in L'Estrange (Observator, ii. 150, 151, 152, 153, and Brief Hist. ii. 7); also James (Memoirs), i. 517—519. The fraud was so manifest, that the crown lawyers thought it proper to suppress the letters at the trials which followed. On October 16th, the letters, together with the other documents, were laid before Sir William Jones, the attorney-general, with an order for him to make "a state of the evidence." His remark on the letters is singular. "If they can be so proved as to be believed to be the hands of the several persons by whom they are said to be written, they do fully make out the guilt of the writers, and do much confirm all the rest that hath been deposed by Mr. Otes..... but against the truth of the said letters there are many objections, some from the prisoners, others from the letters themselves, and the way of their coming to light: the particulars thereof, as they are many, and some resulting from the inspection of the letters themselves, so I doubt not but the same are fully remembered by your majesty."—Brief Hist. ii. 5, 6. Yet the man who came to this lame and impotent conclusion, not only did not allow the prisoners the benefit of such objections, but repeatedly asserted to the court that, whoever doubted of the existence of the plot, must be an enemy to the king, and the religion of his country!

presence of Sir Edmondbury Godfrey. That magistrate, surprised to discover in the list of conspirators the name of his friend Coleman, revealed the secret to him, and Coleman immediately communicated it to the duke of York.[1]

James had already persuaded himself that this pretended plot, if not originally devised, would subsequently be employed for the purpose of excluding him from the succession; and on that account had repeatedly conjured his brother to bring the informer before the council, and to institute a strict inquiry into the truth or falsehood of his testimony. Hitherto Charles, through his love of ease, and apprehension of the consequences, had refused his consent; and (which seemed more surprising) Danby himself concurred in praising the resolution of the sovereign. But the duke entertained no doubt that the real object of the treasurer was to suppress all knowledge of the plot till the meeting of parliament, and then to call for an inquiry into its existence, that he might divert the attention of the two houses from the impeachment which was still hanging over his head. The affidavits of Oates confirmed his suspicions: he renewed his arguments and entreaties, and Charles with much reluctance ordered Tonge to produce the former before the privy council.

At the appointed hour Oates appeared in a clerical gown and a new suit of clothes procured for the occasion. The assurance with which he delivered his narrative imposed on many of his hearers. He stated—1. That the order of the Jesuits had undertaken to re-establish the Catholic religion in the British dominions by rebellion and bloodshed: 2. That their plan of operation comprised Ireland, where some of them were employed in organizing an insurrection and massacre; Scotland, where others, under the disguise of Cameronian ministers, opposed the establishment of episcopacy; Holland, where a third party sought to raise the adherents of France against the prince of Orange; and England, where a fourth was plotting the assassination of the king, and not of the king only but also of his brother, if the duke should prove unwilling to join in the attempt: 3. That they were in no want of pecuniary resources; for they had one hundred thousand pounds in bank, were in the yearly receipt of sixty thousand pounds in rents, and had obtained from Lesbee (La Chaise), the confessor to the French king, a donation of ten thousand pounds, and from De Corduba, the provincial of New Castile, the promise of an equal sum towards the accomplishment of this holy undertaking: 4. That in March last a man named honest William, and Pickering, a lay brother, were repeatedly commissioned to shoot the king at Windsor; and that, the failure being attributed to negligence, the first had received a severe reprimand, the second twenty lashes on the bare back: 5. That on the 24th of April a grand consult of Jesuits from all parts met at the White Horse Tavern in the Strand to determine on the most eligible method of taking the king's life; that three sets of assassins were provided, the two persons already mentioned, two Benedictine monks, Coniers and Anderton, and four Irishmen of unknown names, procured and instructed by Fogarty; and that in addition, the reward of ten thousand pounds, and subsequently of fifteen thousand pounds, had been offered to Wakeman, the queen's physician, if he would poison the king. Of Wakeman's answer he was indeed ignorant; but had heard that he gave his assent,

[1] Kirkby's "Compleat and True Narrative," Sept. 3, 5, 7, 8, 9, 27.

and had frequently seen him since that period in the company of Jesuits: 6. That he had arrived at the knowledge of the conspiracy by the following contrivance. His feigned conversion had so far won for him the confidence of the superiors of the order, that they sent him in the first place with letters to the Jesuits at Valladolid, which letters he had the curiosity to open and peruse at Burgos. From Valladolid he proceeded on a similar mission to Madrid, returned thence through Valladolid to England, was sent back to St. Omer, accompanied the fathers from St. Omer to the grand consult, went with them again to St. Omer, and returned with new instructions to England: on all which occasions, so great was the trust reposed in his faith and honesty, that the contents of the papers which he carried were communicated to him by his employers: 7. That since his return he had learned that the Jesuits were the projectors of the fire of London in 1666, and had spent seven hundred fireballs in nourishing the conflagration; but, to indemnify themselves, had carried off one thousand carats of diamonds, and made a clear profit of fourteen thousand pounds: that this success had encouraged them to set fire to Southwark in 1676, by which they had gained two thousand pounds above their expenses, and that they had now under consideration a plan for the burning of Westminster, Wapping, and the ships in the river: 8. That the pope by a very recent bull had already appointed certain individuals, whom he named, to all the bishoprics and dignities in the church of England, under the persuasion that by the murder of the king the Catholic religion would rise to its former ascendancy: and lastly, that he had already made oath to the truth of this information "in the whole and every particular thereof" before Sir Edmondbury Godfrey.[1]

While Oates was reading this long and alarming narrative, the members of the council gazed in astonishment on each other. The facts which it detailed appeared so incredible, the means by which they had come to the knowledge of the informer were so devoid of probability, and the character which he gave of himself exhibited such traits of baseness and dishonesty, that his hearers were bewildered and amazed. The duke of York hesitated not to pronounce it a most impudent imposture; but others contended that no man in his senses would come forward with a tale so startling and portentous, unless he could support it by proof; that, although it were embellished by fiction, it might have a foundation in reality; and that it was the duty of the royal advisers, in a matter of such concernment, to sift out the truth from the falsehood with which it had been mixed and confounded. Oates was asked to produce documentary evidence in confirmation of his testimony. He had been trusted with a multitude of treasonable letters at different times: his only object was to detect and defeat the conspiracy; undoubtedly then he must have secured some of these papers as evidence against the traitors. He confessed, however, that he stood there without a single document; but promised to produce evidence in abundance, if he might be furnished with warrants and officers to arrest the persons, and seize the papers of the individuals whom he accused. To this proposal the council gave its assent.

The next morning the inquiry was resumed in presence of the king. To the objections urged against the

[1] True Narrative of the Horrid Plot and Conspiracy, &c. London, 1679. L. Journ. xiii. 313. State Trials, vi. 1434.

authenticity of the Windsor letters, Oates ingeniously replied, that such was the practice of the Jesuits; they wrote in feigned hands, and with orthographical errors. Their accomplices were acquainted with the artifice, and it supplied the writers with a pretence of forgery, if the letters were intercepted or discovered. Charles desired that he might be told to describe Don Juan, to whom, according to his narrative, he had been introduced at Madrid: and Oates without hesitation replied, that he was a tall, spare, and swarthy man. The king turned to his brother, and smiled; for both knew from personal acquaintance that Don Juan was low of stature and fair of complexion. "And where," said Charles, "did you see La Chaise pay down the ten thousand pounds?" He replied with equal readiness, in the house of the Jesuits close to the Louvre. "Man," exclaimed the monarch, provoked at his effrontery, "the Jesuits have no house within a mile of the Louvre!"[1]

The credit of the informer was now gone, unless he could support it by the discoveries to be made from the papers which he had seized. Much was expected from those of Harcourt, the provincial of the Jesuits. They consisted of a cipher, of an immense collection of letters, of books of account, and of the acts of the very congregation which Oates had denounced; but among them no trace of the plot could be discovered; not so much as a passage to which the ingenuity of the lawyers could give the semblance of an allusion to the treason in question.[2] Fortunately for the informer, it was otherwise with the papers of Coleman, the son of a clergyman in Suffolk, who had embraced the Catholic faith, and was appointed secretary to the duchess of York. The man was vain of his abilities, expensive in his habits, and solicitous to acquire the reputation of a person of consequence. To extricate himself from his pecuniary embarrassments, he sought to procure money from Louis XIV., in 1675, by offering his services in favour of the Catholic religion to Father La Chaise, the confessor of that monarch; and in 1667, by another offer to Father St. Germain to prevent a rupture between the two crowns, which he represented as a natural consequence of the marriage of the Princess Mary. In both these attempts he failed; but he was more successful with the bankers, whose money had been shut up in the exchequer, from whom he drew three thousand five hundred pounds under pretence of procuring for them some parliamentary security; with three successive ambassadors from France, whom he supplied at a stipulated price with daily information of the proceedings in parliament; and in particular during the last session with Barillon, from whom he procured two thousand five hundred pounds for the purpose of strengthening the French interest in the two houses. Though James frequently reprimanded him for his busy intriguing disposition, he persisted in his course; his table was frequented

[1] James (Memoirs), i. 520. Macpher. i. 87. "The king told me that he took it to be some artifice, and that he did not believe one word of the whole story."—Reresby, 67. Where the compiler of the Memoirs of James refers to the writings of that monarch, I shall, as I have done above, add the word (Memoirs), because such passages are of higher authority than the other parts of that work.

[2] Florus Anglo-Bavaricus, p. 100. Two of the letters were, however, selected, and are to be found in the Journals of the House of Commons (Nov. 2). In one occurs the word "design," in the other "patents." It was explained (and the explanation is confirmed by the context), that the first referred to the design of holding the congregation, the other to the patents of appointment to offices in the order.

by many of the Whig members while the parliament was sitting; and "the fanatics" at a distance received from him weekly "news-letters," reflecting so severely on the ambition of Louis, and the measures of the English government, that Charles ordered the duke to dismiss him from the service of the duchess. Luzancy had formerly accused him before the council; but he faced and silenced the informer; and it was perhaps this success which induced him also to despise the deposition of Oates. But on the seizure of his papers he asked the advice of the duke of York, who replied, that if he had written anything illegal, or even suspicious, he had better conceal himself; otherwise, his spontaneous appearance before the council would be taken as a proof of his innocence. He chose the latter, and became the first victim sacrificed to the perjuries of the informer and the prejudices of the nation.[1]

The fact was, that, among several loose papers in a neglected drawer, had been found copies of Coleman's foreign correspondence in the years 1675 and 1676. There was in it much to prove the restless and intriguing spirit of the man; but that which chiefly attracted the notice of the council was a proposal from him to La Chaise that Louis should furnish Coleman and his friends with the sum of twenty thousand pounds to be employed by them for certain purposes equally conducive to the interest of France and of the Catholic church. There was indeed no visible connection between this proposal and the plot brought forward by Oates; for the purposes specified in the letter were the restoration of the duke to his place of lord high admiral, and the establishment of liberty of conscience. But this was accompanied with expressions calculated to awaken suspicion. "Success," he maintained, "would give the greatest blow to the Protestant religion that it had received since its birth." . . . . . "They had a mighty work on their hands, no less than the conversion of three kingdoms, and by that perhaps the utter subduing of a pestilent heresy, which had so long domineered over great part of the northern world." To a cool and dispassionate inquirer, acquainted with the state of parties at the time, this language would have appeared a mere rhetorical flourish, employed by the intriguer to interest in favour of his project the zeal of the old priest whom he addressed; but jealousy had been provoked by the disclosures of Oates; more, it was suspected, might lurk under the words than immediately struck the eye; the great work mentioned by Coleman might be the commencement of the conspiracy which had been denounced; the two ends of the chain were already in sight, and it was possible that the discovery of more of the correspondence might supply the links by which they were connected. Under this impression Coleman was committed to prison, where he found for his companions in captivity most of the individuals named in the deposition of the informer.[2]

It was obviously the interest of the king to bring the inquiry to a speedy termination, that of his minister to protract it till the meeting of parliament; because, if it were then pending, it would infallibly be taken up by the country party. Charles foresaw that they would employ it as an additional weapon of offence against his brother, while Danby hoped to convert it into a shield of defence for

[1] For this account of Coleman, see James (Memoirs), i. 533; C. Journ. 1678, Oct. 31, Nov. 7; Dalrymple, ii. 199, 201, 314; Macpher. i. 82; Brief Hist. i. 144; Burnet, ii. 94.

[2] C. Journ. Oct. 31.

himself against the impeachment with which he was threatened. At the beginning of October, when the king was accustomed to spend a fortnight at Newmarket, the dukes of York and Lauderdale conjured him to remain at Whitehall, and to prefer his duty to his pleasures; but the opposite advice of the lord treasurer was most palatable to the indolent monarch; and he departed with the court to Newmarket, leaving strict orders with Danby to prosecute the investigation with the utmost expedition—orders which that minister was careful to disobey.[1]

Hitherto nothing had transpired to connect the informers with any party in the state; but subsequent events induced many to look upon them as mere puppets, whose motions were regulated by the invisible hand of some master artist. That artist was supposed to be the earl of Shaftesbury; of whom, whether he were or were not the real parent of the imposture, this at least is certain, that he took it under his protection from its birth, and nursed it with solicitude till it arrived at maturity. In conjunction with his political associates, he watched the progress of the alarm excited by the frequent meetings of the council, and the numerous arrests of the supposed conspirators; converted with consummate art every succeeding event into a confirmation of the plot, and gradually contrived, by inflaming the passions, to assume the most extraordinary control over the judgment, of the people.

It chanced that, during the absence of the court, Godfrey, before whom Oates had made his affidavit, was missing from his family. From his father, who died by his own hands, Godfrey had inherited a melancholy temperament; and after the apprehension of his friend Coleman, was observed to labour under great depression of spirits. On the 12th of October, having settled his accounts, and burnt a large mass of papers, he left his home at an early hour, and was met in different parts of the town during the day, walking with a hurried pace, and apparently inattentive to all that was passing around him.[2] That very evening it was rumoured that he had been murdered by the papists; and five days later his dead body was discovered among some stunted bushes in a dry ditch on Primrose Hill. It rested on the knees, breast, and left side of the face; a short sword had been thrust with such violence through the heart, that the point protruded a few inches beyond the back; his cane was fixed upright on the bank, his gloves lay near it on the grass, and his rings remained on his fingers, his money in his purse. The extraction of the sword was followed by a copious discharge of blood from the wound; and, when the body was undressed, a deep purple crease appeared round the neck.[3] In these circumstances the question to be determined was, whether Godfrey had fallen by his own hand, in which case the tightness of the collar would satisfactorily account for the discoloration of the neck, or had been first strangled, and afterwards stabbed by the murderers, to induce a belief that he was the author of his own death. After an

[1] James (Memoirs), i. 545, 546. Temple, ii. 478. "He fancyed by the helpe of his pretended conspiracie, and crying out against popery, he should pass for a pillar of the church, and ward the blow which he foresaw was falling on his shoulders; but my Lord Shaftesbury, who soon found out his drift, sayd, let the treasurer cry as lowd as he pleases against popery, and think to put himself at the head of the plot, I will cry a note lowder, and soone take his place; which he failed not to make good." James (Memoirs), i. 546.

[2] See the affidavits in Brief History, iii. 176—183, 299—310.

[3] Ibid. 97—99, 212, 226, 264—271. Compare these with State Trials, vii. 184.

inquiry of two days before the coroner, the latter opinion was adopted by the jury, but chiefly on the authority of two surgeons, whose testimony betrays their profound ignorance of the phenomena consequent on sudden and violent death. Even at the time, the verdict was deemed so unsatisfactory, that other medical practitioners solicited permission to open the body; but to this the brothers of the deceased made the most determined opposition. They were aware that a return of *felo de se* would deprive them of the succession to his estate, and on that account had laboured during the whole investigation to impress a contrary persuasion on the minds of the jurors.[1]

The result of the inquest imparted the stamp of authority to the reports previously in circulation. It was no longer safe to deny that Godfrey had been murdered, and murdered by the papists. He had indeed always shown himself their steadfast friend, and had recently given to the accused the first notice of their danger. But the absence of any sufficient motive for the crime was considered of little moment; and no man ventured to argue the question, when the least intimation of dissent was taken as a proof of conscious guilt. The body, instead of being speedily deposited in the grave, was carried in public procession to the former habitation of the deceased; the doors were thrown open during two days; and the populace were invited to gaze on the mangled remains of the Protestant martyr. The sight inflamed their passions, and prepared their minds to believe in the bloody designs attributed to the papists; individual murders, a general massacre, the burning of the city, and the blowing up of Whitehall, were hourly expected; and the precautions employed by the magistrates, the multiplication of the guards, the frequent consultations at the Guildhall, served to nourish the excitement and delusion.[2]

It was at this moment, when the public phrensy had reached its height, that Charles met his parliament after the prorogation. The presence of his forces in Flanders had procured for Spain more favourable conditions, but had entailed at the same time an enormous expense on the English government. The supply so lately voted was exhausted; the ordinary revenue of the next year had been already anticipated; and it was become equally impracticable without additional pecuniary aid to disband the army or to keep it on foot. This was the chief subject which the king in his speech sought to impress on the attention of the two houses. To the plot he made only an incidental allusion, stating it to be his intention to leave the guilt or innocence of the accused to the investigation of the ordinary courts of law. Such, however, was not the plan either of the popular leaders, or of his own minister. Under their guidance both houses, forgetting the king's recommendation, listened with astonishment to the narratives of Oates and Tonge; and, as if their own existence, that of the sovereign, and of the nation, were at stake, they placed guards in the cellars under the house of parliament, extorted from Charles a proclamation that all Catholics, not householders, should quit London prevailed on him to remove a Scottish regiment to the distance of forty miles from the capital, petitioned for the dismissal of every papist from his domestic service, conjured him to be careful that his meals were prepared by none but orthodox cooks, and appointed committees to pursue the pretended conspiracy through all its

[1] Brief History, 235—237, 242—250, 257.

[2] Burnet, ii. 154.

secret and numerous ramifications.[1] By these proceedings the inquiry was taken out of the hands of the government, and in a great measure transferred to those of Shaftesbury and a committee appointed by the Lords. Shaftesbury was always at his post, receiving informations, granting warrants for searches and arrests, examining and committing prisoners, and issuing instructions to the officers, informers, and jailers. But his zeal proved too industrious to escape suspicion. By many he was said to be actuated by a very questionable motive, the desire, not of discovering the truth, but of establishing the credit, of the plot. The popular delirium had given to his party an ascendancy in the two houses, which they could not otherwise have acquired; and, that he might keep this alive, and direct it in accordance with his own views, he cared little to what perjuries he might give occasion, or what blood he might cause to be shed.

Oates, at his examination before the Commons, made a most important addition to his previous testimony. He informed the house that Oliva, general of the Jesuits, had, by authority from the pope, already appointed to all the great offices of state, and to the chief commands in the army, both in England and Ireland; that many of the patents of appointment had been seen by him, or passed through his hands; that the office of lord chancellor had been conferred on Lord Arundell, of lord treasurer on the earl of Powis, of commander-in-chief on Lord Belasyse, of lieutenant-general on Lord Petre, of lord privy seal on Sir William Godolphin, of secretary of state on Coleman, of major-general on Sir Francis Radcliffe, and of adjutant-general on Lambert, who had formerly distinguished himself in the service of the commonwealth. These constituted the new government for England. In Ireland the chancellorship was given to Peter Talbot, the chief command of the forces to Richard Talbot, the rank of lieutenant-general to the Viscount Mountgarret, and the inferior offices were parcelled out among their friends and dependents. In this selection there was much to shake the confidence of those who possessed any knowledge of the parties, because several of the latter, from age, or infirmity, or character, were incapable of executing the different employments to which they had been appointed. But such objections weighed not with the Commons; they sent for the lord chief justice, and instructed him to issue warrants for the apprehension of all the individuals named in the information. In other circumstances the Lords would have interfered in defence of their privileges: now, every minor consideration was sacrificed to the safety of the state; and the earl of Powis, the Viscount Stafford, the lords Petre, Arundell, and Belasyse, were committed to the Tower.[2]

The first bill introduced in the house of Commons was the favourite measure of the popular party, the test for the exclusion of all Catholics, and consequently of the duke of York, both from parliament and from the presence of the sovereign. It proposed to enact, 1. That no person should presume to sit or vote in either house of parliament, or name a proxy to vote for him in the house of Lords,

[1] L. Journ, 297, 301, 303—309, 312, 331, 335, 354. C. Journ. Oct. 23—26, 28, 30, Nov. 1, 2.

[2] L. Journ. 299, 303, 309, 311, 327. C. Journ. Oct. 23—25, 28. The next day Oates accused the earl of Castlemaine, that having obtained a divorce from his wife on account of adultery with the king, he was now a Jesuit in priest's orders, and had, in the hearing of Oates, wished success to the plot, that he might gratify his revenge. Castlemaine was sent to the Tower, but acquitted on his trial. See his Manifesto, 7, 10, 46.

unless he had previously, in presence of the house, taken the oaths of allegiance and supremacy, and subscribed the declaration that the worship of the church of Rome is idolatrous, under the penalty of a fine of five hundred pounds, and of disability to sue in any court of law or equity, to receive any legacy or deed of gift, or to act in any manner as guardian, executor, or administrator. 2. That every unqualified peer and commoner and popish recusant, coming into the house or presence of the king, should be liable to the same penalty, unless in the next term he should take the same oaths, and subscribe the same declaration in the court of Chancery. In former sessions this bill had repeatedly miscarried; but now, under the auspices of Titus Oates, it could not fail of success. Day after day that informer was called in to inflame the passions of the members by new disclosures; every speaker sought to give proof of his loyalty and orthodoxy by the display of hostility to the papists; and the bill passed through the house without opposition, when opposition could lead only to the forfeiture of character, perhaps of liberty and life.[1]

The moment the test was transmitted to the Lords, care was taken to add new fuel to the flame by the communication to the house of Coleman's letters. The offensive expressions and the objectionable aims of that busy intriguer were taken for those of the whole body to which he had joined himself; and his constant use of the duke's name provoked a general belief that he had acted by the instructions, or at least with the connivance, of that prince. James, indeed, positively denied, and commissioned his friends to deny by his authority, all connection between him and Coleman; and Coleman himself at his examination faintly acquitted the duke; but the conduct of each was attributed to the necessity of his situation, and both houses voted a resolution that "there had been and still was a damnable and hellish plot contrived and carried on by the popish recusants for the assassinating and murdering the king, and for subverting the government and rooting out and destroying the Protestant religion."[2]

To add to the impression made by the publication of this vote, it was accompanied with the funeral of the first supposed victim of the conspiracy. Godfrey perished on the 12th of October; on the 31st his corpse was borne in procession to the grave. As it passed from Bridewell to St. Martin's-in-the-fields, it was preceded by seventy-two clergymen in their gowns, and followed by more than a thousand gentlemen in mourning, many of them members of parliament. In the pulpit appeared Dr. Lloyd, the rector of the parish, between two men of powerful limbs and determined aspect, habited as clergymen, and stationed for his protection against the designs of the papists. He took for his text the passage, "As a man falleth before the wicked, so fellest thou;"—and undertook to prove that Godfrey had been the victim of his attachment to Protestantism, and must have been murdered on that account by its enemies. From this mournful but exciting spectacle the crowd returned to their homes, breathing vengeance against the assassins, and extolling Oates as

[1] C. Journ. Oct. 23—26, 28. It is remarkable that this bill omitted the obligation of receiving the sacrament in the established Church, which in former bills had been required as a qualification for taking office. The reason is evident It would have removed the dissenters from parliament, and without the aid of the dissenters the country party had no prospect of accomplishing their purpose.

[2] C. Journ. Oct. 28, 30, 31. L. Journ. xiii. 333. Beresby, 67.

"the saviour of his country;" his fictions, absurd and incredible as they must appear to the thinking reader, were received without hesitation; and men of every class suffered themselves to be agitated with the apprehension of dangers, the more alarming to the imagination, because they were wrapt in mystery, and expected from unknown and invisible foes.[1]

Neither was the panic thus created local or momentary. The measures adopted by the government, in consequence of the addresses of parliament, served to give to it both diffusion and duration. In a short time the prisons in the metropolis contained two thousand suspected traitors; the houses of the Catholics (even that of the earl marshal could not obtain exemption) had been searched for arms; and all papists who refused the oaths of allegiance and supremacy, amounting almost to thirty thousand individuals, were compelled to withdraw ten miles from Whitehall. For the security of the capital, posts were fixed in the streets, that chains might be thrown across on the first alarm: the military, the trained bands, the volunteers, to the number of forty or fifty thousand, were occasionally kept all night under arms; strong detachments occupied the most eligible posts; numerous patroles paraded the streets; the guards were doubled at the palace; batteries of field-pieces were planted for its protection; and the great gates were kept constantly closed, so that admission could be obtained only through the wicket. From the metropolis the alarm spread into the remotest parts of the country: the order for disarming the Catholics was universally enforced; lists, containing their names, ages, and occupations, were delivered by the officers of each parish to the magistrates, and all were compelled either to take the oaths, or to give security for their good behaviour. Precautions so general and extraordinary were sufficient to conjure up terror in every breast: Charles alone preserved his tranquillity in the midst of excitement: he hesitated not to declare in every company his disbelief of the plot, and to lament that his subjects should suffer themselves to be made the dupes of a bold and brazened impostor.[2]

Encouraged by the state of the public mind, the popular leaders determined to throw off the mask, and to commence a direct attack on the duke of York. An address to exclude him from the presence and the councils of the sovereign was moved by Lord Shaftesbury in the house of Lords, by Lord Russell in the house of Commons. It was not that they charged him with any participation in the plot: from that ground they had already been driven by Oates, who had declared at the bar of the house of Lords that he believed the duke to be entirely ignorant of the design; and, when he was ordered to denounce every individual cognizant of the conspiracy, whatever the rank or station of that individual might be, had replied upon oath, "That he could name no other person than those whom he had named already."[3] The charge of treason was therefore abandoned; but they relied on the prejudice excited against him by the publication of the letters of Coleman, and contended that his presence at court encouraged the papists to persevere, and proved an obstacle to the adop-

[1] Echard, 950. North, 204. Reresby, 67, 68.

[2] See "Les Conspirations d'Angleterre, à Cologne, 1680," p. 338 *et seq.* The account in that work is written by a foreigner, who resided in London, and appears to have kept a diary. Also Florus Anglo-Bavaricus, 115, 118; and Reresby, 67, 72.

[3] L. Journ. 309, 311, 360.

tion of those measures which were requisite for the security of the Protestant worship. Charles openly expressed his indignation at this motion, and ordered his friends to oppose it with all their influence. In the house of Lords their efforts were successful; in the Commons the debate was adjourned, resumed, and again adjourned. But the pertinacity of the party subdued the resolution of the monarch; he sought to escape from the contest; he advised his brother to submit to a compromise, and to withdraw from the council while he remained at court: such a concession would mollify his enemies, and aid his friends in the support of his undoubted rights. It cost James a violent struggle before he would yield; but he deemed it a duty to obey the will of the sovereign, and announced from his seat in the house of Lords that he was no longer a member of the council. Charles then called the two houses before him, and assured them that he was as ready as their hearts could desire to establish the security of the Protestant religion, and to assent to any reasonable laws for that purpose, provided that they did not trench on the rightful descent of the crown, nor on his own authority, nor on the just rights of his Protestant successors. This speech was received with expressions of gratitude; and Lord Russell immediately withdrew his motion. One part of it, the removal of the duke from the council, had been obtained; the other part, his removal from the court, was included in the bill against popish recusants now pending in the house of Lords.[1]

That bill, however, made but little progress. The Lords in general looked with jealousy on a measure which invaded the constitutional rights of the peerage,[2] and would create a precedent which, on subsequent occasions, might be employed against other than Catholic peers. To stimulate their indolence, the Commons, by repeated messages, reminded them that on the adoption of the bill depended the safety of the king and kingdom, and of the Protestant religion; and Charles, weary of contending with clamour and intimidation, consented to sacrifice the rights of the other lords, provided those of his brother were maintained. To the surprise of all men, on the third reading, when the rejection of the bill was generally anticipated, it passed without opposition, but with a proviso that its operation should not extend to his royal highness the duke of York. James, however, immediately entered his protest against it; and was followed by the earls of Berkshire and Cardigan, and the lords Audley, Stourton, Hunsdon, and Teynham.[3]

To the popular leaders the exclusion of the Catholic peers was a matter of minor interest; their paramount object, the exclusion of the duke of York, had been defeated by the proviso. They resolved, as a last resource, to throw it out in the house of Commons, and to mark their sense of the conduct of the Lords by the manner of the rejection. Sixteen members rose in succession to speak in support of the amendment, before they could provoke an answer from the benches of their opponents.

[1] C. Journ. Nov. 9. James (Memoirs), i. 524. Reresby, 70. Burnet, ii. 157. Parl. Hist. iv. 1026.

[2] See the standing order in the Lords' Journals, xii. 673.

[3] Stat. of Realm, v. 896. L. Journ, xiii. 865. C. Journ. Nov. 11, 16. Reresby, 71. Monmouth, to escape the necessity of voting in favour of his uncle, left the house before the division, which gave James a fair opportunity of complaining to the king of his son's conduct, and of observing that he was not only intimately connected with the leaders of the opposition, but suffered his flatterers to drink to him by the title of prince of Wales. — James (Memoirs), i. 526.

Waller was the first to move its rejection; he was followed on the same side by Meres and Capel, and answered by Sir Robert Howard. The debate grew warm; high words, and even blows, were exchanged by Ashe and Trelawney; and when Sir William Coventry, deserting his party, contended that the duke was entitled to the indulgence, for his eminent services to the nation, he was put down with cries of "Coleman's letters; remember Coleman's letters!" Lord Cavendish closed the discussion. What were the reasons which recommended the proviso to the adoption of the Lords, he knew not; but till he both knew them and approved of them, he would never be a party to an enactment which should declare by authority of parliament that the king's brother was a papist. The question was then put, and, to the deep and bitter disappointment of the party, the proviso was carried by a majority of two voices. Charles gave his assent to the bill, but at the same time remarked that he did it with reluctance, and merely through deference to those who were alarmed at the extraordinary excitement of the people.[1]

By this statute, which owed its enactment to the perjuries of an impostor and the delusion of the nation, the Catholic peers found themselves, without any fault of theirs, deprived of the most valuable privilege of the peerage, the right which they derived from their birth of sitting and voting in the higher house of parliament. Nor were they the only victims; the unjust proscription attached to their descendants during a long lapse of one hundred and fifty years. It was reserved for a prince of the house of Brunswick, the fourth who swayed the sceptre of these realms, and an enlightened and liberal parliament, to erase the foul blot from the statute-book, and by an act of tardy but praiseworthy justice, to restore the sufferers to the exercise of their ancient and hereditary rights.[2]

There was one circumstance which greatly embarrassed the patrons of the plot. Its credit still depended on the sole unsupported testimony of Oates. Though the prisoners had been successively interrogated at the bar, or before the committee of the house of Lords, all had uniformly protested their innocence; the offer of pardon and reward had been made in vain; each persisted in declaring his ignorance not only of the facts and designs charged on himself, but also of those charged upon the others. Thus eleven weeks passed away, and no prosecution was instituted, because, to establish the guilt of the accused, the law required the concurrent testimony of two witnesses. At last the difficulty was surmounted. The king by proclamation had pro-

[1] C. Journ. Nov. 21. L. Journ. xiii. 394. Parl. Hist. iv. 1039, 1045. Soon afterwards the Lords made an order that John Hudleston, Charles Giffard, Francis Yates and his wife, the five brothers of the name of Penderell, Mr. Whitgreave of Moseley, Colonel Carlos, and Francis Reynold of Carleton in Bedfordshire, who had been instrumental in the preservation of the king after the battle of Worcester, should live as freely as any of his majesty's Protestant subjects, without being liable to the penalties against popish recusants, and that a bill be prepared for that purpose.—L. Journ. 408. But no such bill was ever passed

[2] The peers, whom this act deprived of their seats in the house were the duke of Norfolk, the earls of Shrewsbury, Berkshire, Portland, Cardigan, and Powis, the viscounts Montague and Stafford, the lords Mowbray, Audley, Stourton, Petre, Arundell, Hunsdon, Belasyse, Langdale, Teynham, Carrington, Widdrington, Gerard of Bromley, and Clifford. We are told that three preferred their seats to their religion (Reresby, 73). Of these the marquess of Worcester was one; the other two, as far as I can ascertain, did not take the oaths till the next session, in 1679, viz. the Lord Mowbray, son to the duke of Norfolk, and the earl of Berkshire, on his coming to the title after the death of his brother.

mised to the discoverer of the assassins of Sir Edmondbury Godfrey reward, protection, and a full pardon, even if he were an accomplice; and in a few days the secretary of state received an enigmatical letter, dated from the town of Newbury, containing the singular request that the writer, William Bedloe, might be taken into custody in the city of Bristol, and be brought back a prisoner to the metropolis. By order of the council, a warrant for his apprehension was sent to Bedloe himself, with directions to deliver it to the mayor of Bristol, when and in what manner he might think fit; the arrest accordingly took place in the open street, and in the presence of a numerous crowd; and a report was circulated both there and in London that the prisoner had it in his power to develop the whole mystery in which the death of Godfrey was still involved.[1]

The character of Bedloe was not less open to objection than that of Oates. He had originally been employed in the stables, and afterwards in the household of Lord Belasyse. Subsequently he travelled on the continent as a courier in the service of different gentlemen; in which capacity he became acquainted with the names and residences of many persons of distinction, and availed himself of that knowledge to raise money by artifice and fraud. His swindling transactions had repeatedly been visited with imprisonment and various punishments in different countries; judgment of death had been passed on him for a robbery in Normandy; and he had just obtained his discharge from confinement in Newgate, when the proclamation induced him to offer himself a candidate for the reward of five hundred pounds.[2] In his first deposition, taken before the king and the two secretaries of state, he declared upon oath that he knew nothing of the plot, but had seen the dead body of Godfrey at Somerset House; that, according to his informant, the Jesuit Le Fevre, Godfrey was stifled between two pillows by Le Fevre himself, with the aid of Walsh, another Jesuit, of Lord Belasyse's gentleman, and of a waiter in the queen's chapel; that he had been offered two thousand guineas to help in removing the corpse, and that it was at last carried away on Monday night at nine of the clock, by three persons unknown to him, but retainers at Somerset House. The next morning he related the same in substance before the house of Lords. To a question respecting Oates, he answered by denying all knowledge of that informer; but added, contrary to his testimony of the day before, that he had been told by Walsh and Le Fevre of the commissions received by the earl of Powis and Lord Belasyse, and of authority to appoint other officers given to Lord Arundell. This provoked the king to exclaim: "Surely the man has received a new lesson during the last twenty-four hours!"[3]

The memory of the informer continued to improve. In another deposition, made also upon oath, he recollected that in the beginning of October he had been solicited to commit a murder for a reward of four thousand pounds; that Godfrey was inveigled into the court of Somerset House about five in the evening; that he was not stifled with pillows (that story contradicted the finding of the coroner's inquest), but strangled with a linen cravat; that the body was deposited in a room which Bedloe pointed out to the duke of Monmouth; that

[1] See the official papers, in Brief History, iii. 67.

[2] Burnet, ii. 158. Echard, 951. Florus Anglo-Bavaricus, 127.

[3] Burnet, ii. 167. L. Journ. xiii. 343.

he saw standing round it the four murderers and Atkins, clerk to Mr. Pepys, of the Admiralty; and that it was removed about eleven of the clock on the Monday night.[1] In two parts of this deposition he was unfortunate; he had selected for the time of the murder the very hour when Charles was at Somerset House on a visit to the queen; an hour when such a transaction must have been instantly discovered, because a company of foot-guards had been drawn out, and a sentinel stationed at every door; and he had pointed out as the place of concealment of the body the room which was appropriated to the use of the queen's footmen, who were there in waiting at every hour of the day.[2]

But his succeeding reminiscences were of much greater importance. At first he knew nothing of the plot; now he remembered that during his travels he had become acquainted with English monks, friars, Jesuits, clergymen, and nuns, all of whom were anxious to acquaint him with the particulars of the great design for the re-establishment of Catholicity in England. From them he learned that at first it was proposed to confine the king in a monastery, but afterwards to kill him; that another person, unless he would consent to hold the crown of the Pope, would be also set aside, and the government be administered by commission, with the Lord Arundell at its head; that the duke of Norfolk, the marquess of Worcester, and the earl of Shrewsbury, were too loyal to be trusted with any knowledge of the plot; that ten thousand men were to land at Bridlington, in Yorkshire, and put themselves under the command of Lord Belasyse; that an army of twenty or thirty thousand friars and pilgrims was to sail from Corunna to Milford Haven, and to join the Catholics of Wales under the earl of Powis and Lord Petre; that the king, the dukes of Monmouth, Ormond, and Buckingham, the earl of Shaftesbury, and the Lord Ossory, were to be murdered by persons whose names he stated, the military in London by assassins stationed at the door of every alehouse, and the citizens by a force of forty thousand men secretly organized, and consisting of papists or Protestants in the pay of the papists; that all who refused to conform to the Catholic worship were to be "utterly extinguished;" and that there was not a Catholic in England, of quality or credit, who had not received information of the plot, and been sworn on the sacrament to lend to it his aid, and to keep it secret.[3]

It will excite surprise that in the three kingdoms there could be found an individual so simple or so prejudiced as to give credit to this marvellous tale of bloodshed and treason.

[1] L. Journ. 348, 350.

[2] James (Memoirs), i. 527. "The king told me," says Reresby, "that Bedloe was a rogue, and he was satisfied that he had given some false evidence concerning the death of Sir Edmondbury Godfrey."—Reresby, 72.

[3] L. Journ. 351, 353. At this time Luzancy appeared again upon the stage; but his residence for the last three years at Oxford disabled him, however he had been disposed, from acting an important part among the informers. He had already expelled from England St. Germain, almoner to the duchess of York; he now expelled La Colombière, successor to St. Germain. Having composed a memorial for Du Vicquier, a Frenchman, he introduced him first to the bishop of London and then to the lord chancellor. La Colombière was immediately arrested and committed on the 16th of November. The former accused him at the bar of the house of Lords of having said that the king was a Catholic at heart, and that the power of the parliament would not last for ever; of having perverted Protestants, and sent missionaries to Virginia. The Lords noted that these were matters of dangerous consequence, and on the 21st addressed the king to send Colombière out of the kingdom. Four weeks later the zeal of Luzancy was rewarded with the vicarage of Dover-court.—L. Journ. xiii. 367, 368. Conspirations d'Angleterre, 1680, pp. 360, 370.

But in times of general panic nothing is too absurd for the credulity of the public. The deposition of Bedloe was hailed as a confirmation of that of Oates; it served to fan the flame, to add to the national delirium; new addresses were made to the king, and new proclamations and arrests followed. Yet the champions of the plot, those who sought to bring home to the accused the charges against them, saw with uneasiness that there was nothing in these additional informations to constitute Bedloe a second witness in conjunction with Oates. The reader, however, will soon discover how the difficulty was removed by the effrontery of the new informer, who on the trials of the prisoners found it convenient to forget much of his previous testimony, and to substitute other particulars, which, though entirely new, harmonized better with the fictions of his brother impostor.

These discoveries by Bedloe had served to occupy the public attention during the debates on the bill for the exclusion of Catholics from parliament: the moment the duke of York was excepted by the clause in his favour, a new and most extraordinary intrigue was set on foot. The reader will recollect that Shaftesbury, in his zeal to prevent the succession of that prince, had ventured to propose to the king a divorce, for the purpose of having issue by another wife; and now with the same view, a Mrs. Lloyd, at the suggestion of Dr. Tonge, waited on Charles and solicited a private audience for Titus Oates, who wished to confide to his majesty some secret and important information tending to criminate the queen. He heard her with tokens of incredulity and impatience; and, when she hinted the possibility of a divorce, sternly replied that he would never suffer an innocent woman to be oppressed.[1]

Oates, however, was admitted to tell his tale to the king, then made his deposition on oath before Secretary Coventry, and afterwards was twice examined by the privy council. He stated that in July he saw a letter in which it was affirmed by Wakeman that the queen had been brought to give her assent to the murder of the king; and that one day in August he accompanied several Jesuits to Somerset House, and was left in the antechamber, when they were admitted to the queen. The door stood at jar; he had the curiosity to listen, and heard a female voice exclaim, "I will no longer suffer such indignities to my bed! I am content to join in procuring his death, and the propagation of the Catholic faith:" soon afterwards the Jesuits retired; he looked into the room, and saw no other woman than the queen. There was much to throw discredit on this story. Oates had never given any intimation of it before; he had not mentioned the traitorous letter, when he made the charge against Wakeman; and he had solemnly declared upon oath that he knew of no other persons implicated in the crime besides those whom he had already named. Charles ordered the earls of Ossory and Bridgewater to conduct the informer to Somerset House, and oblige him to point out the room and antechamber which he had described. He was led into every part, he repeatedly visited every chamber, and was at length compelled to acknowledge his inability to discover the place. The king, convinced that the story had been suggested to him by some enemy of the duke, ordered the guards who had been assigned for his security to keep always

[1] L. Journ. xiii. 389. James (Memoirs), i. 529. "He said to me" (Dr. Burnet) "that considering his faultiness towards her in other things, he thought it a horrid thing to abandon her."—Burnet, ii. 169.

in his company, and to allow no person to see him, or to speak with him in private.[1]

Bedloe followed, as a second witness, to support the testimony of Oates. He too, if we may believe him, had been at Somerset House; he had witnessed a conference between Catherine and two French clergymen, in the presence of Lord Belasyse, Coleman, and some Jesuits; and was subsequently told by Coleman that at the first proposal of the king's murder the queen burst into tears, but that her objections had been removed by the Frenchmen, and that she had reluctantly signified her consent. Bedloe, however, was more cautious than Oates. His former difficulty in finding the chamber in which he had seen the body of Godfrey, proved to him a useful lesson; and he assigned for the scene of this consultation a place in which he could not be liable to error, the gallery of the chapel, while he, as he pretended, remained on the floor below. But why had he hitherto concealed this important evidence? To the question he replied, that it had escaped his memory. If he recollected it now, it was owing to the impudent denial of Coleman, that he had ever been in the company of Bedloe.[2]

But, whatever might be the conviction of the king, it was not the intention of the party to lose the benefit of this additional testimony. Bedloe, having previously obtained a pardon for all offences committed up to that hour, delivered his deposition in writing to the house of Commons; and then Oates, appearing at the bar, raised his voice and exclaimed, "I, Titus Oates, accuse Catherine, queen of England, of high treason." The members not in the secret were struck dumb with astonishment; an address was hastily voted for the removal of the queen and her household from Whitehall; and a message was sent to the house of Lords to solicit their immediate concurrence. They, however, previously required to be put in possession of the depositions made before the council; then severely examined the two witnesses in person, and, dissatisfied with their answers, resolved to refuse their concurrence, and appointed a committee to state the reasons of their refusal. Shaftesbury, with two others, protested against this vote; but the majority of the party deemed it prudent to acquiesce; a dissension between the houses might break all their measures, and, by bringing into question the credit of the witnesses, overturn the whole fabric of the plot. The charge against the queen was therefore buried in silence; but an address for the apprehension of all papists within the realm was voted, and impeachments of high treason against the five Catholic peers in the Tower were carried to the house of Lords.[3]

I shall not detain the reader with a narrative of the partial trials and judicial murders of the unfortunate men whose names had been inserted by Oates in his pretended discoveries. So violent was the excitement, so general the delusion created by the perjuries of the informer, that the voice of reason and the claims of justice were equally disregarded; both judge and jury seemed to have no other object than to inflict vengeance on the supposed traitors: to speak in support of their innocence, or to question the veracity of the accusers, or to hint the improbability of the informations, required a strength

[1] L. Journ. 388, 391. James (Memoirs), i. 529. Clar. Corres. i. 52, 56.

[2] L. Journ. 391, 392.

[3] C. Journ. Nov. 28, 29, Dec. 5. L. Journ. 392, 403. The Commons also addressed the king to restore Oates to his former freedom. He gave orders that any member or clerk of either house might have unrestrained access to him, but not all persons without exception. *They* remonstrated, and *he* yielded.—C. Journ. Dec. 6, 7.

of mind, a recklessness of consequences, which falls to the lot of few individuals; even the king himself, convinced as he was of the imposture, and contemptuously as he spoke of it in private, dared not exercise his prerogative of mercy to save the lives of the innocent. These unfortunate men were put on their trials under every disadvantage. 1. They possessed not the means of rebutting the charges against them. Kept in solitary confinement, debarred from all communication with their friends, without legal advisers, and with no other knowledge than what they could collect from their previous examination, they received notice of trial on the evening, and were placed at the bar the next morning. 2. The point on which the imposture hinged was the traitorous consult supposed to have been held at the White Horse tavern on the 25th of April, at which Oates deposed that he was present. Now, to prove that no such consult was held, they could not appeal to the testimony of the landlord, who was dead, nor of his widow or former servants still living; for though the house of Lords ordered the inquiry to be made, not one of these individuals could then be found;[1] neither dared they show that the real consult took place on that day at St. James's, because that would have been to expose the duke of York to the capital punishment enacted against the harbourers of priests and Jesuits. 3. They were condemned before their trial by the prepossessions of the court, the jury, and the spectators. The chief justice, Scroggs, a lawyer of profligate habits and inferior acquirements, acted the part of prosecutor rather than of judge. To the informers he behaved with kindness, even with deference, suggesting to them explanations, excusing their contradictions, and repelling the imputations on their characters; but the prisoners were repeatedly interrupted and insulted; their witnesses were browbeaten from the bench, and ill-treated by the spectators; and their condemnation was generally hailed with acclamations, which the court rather encouraged than repressed.[2]

These trials were introduced with the prosecution of Stayley, the Catholic banker, at the instance of Carstairs, a Scottish adventurer. Stayley was sitting in a tavern, and conversing in French on the topics of the day with Firmin, a native of Marseilles, when Carstairs entered with a companion, and pretended to listen to their discourse. The next morning he waited on Stayley, and accused him of treason, but offered to suppress the charge in consideration of the sum of two hundred pounds. The banker laughed at the insolence of the man; but in a few minutes he was arrested, and at the end of five days tried for his life. Burnet, when he heard the name of the informer, hastened to assure the lord chancellor that Carstairs was a man of infamous character and unworthy of credit even on his oath; but Jones, the attorney-general, being present, asked Burnet who had authorized him to defame the king's witness, and the timid divine shrunk from the frown of the barrister, and left the unfortunate man to his fate. The conversation in the tavern turned on the Catholics who had been charged with the design of murdering the king, and the question in dispute at the trial between the informer and the accused was, whether Stayley had said that he was ready to kill *him* or *them*, whether he used the French article *le* or *les*. It is plain that Firmin might have decided the con-

[1] L. Journ. xiii. 335.

[2] See in particular the evidence of Fallas, State Trials, x. 1275.

troversy; but care had been taken to confine him in close custody, from which he was not discharged till four months after the trial. The jury believed the informer, and Stayley suffered death at Tyburn.[1]

The first victim sacrificed to the perjury of Oates and his coadjutor Bedloe was Coleman. In consequence of an address from the house of Commons, Charles had promised that, if Coleman would make a satisfactory confession, he should have a full pardon; if he did not, the law should have its course. With this information the committee visited him in Newgate. He gave them the cipher to his correspondence, and explained to them his pecuniary transactions, but strongly denied that he possessed any knowledge of the alleged plot.[2] At his trial he maintained that his object in his letters (that they were imprudent and unwarrantable he did not deny) was to procure money and the toleration of the Catholic worship; that he had never seen either of his accusers before his apprehension; and that both had perjured themselves in their testimony, Bedloe by swearing that he had taken a letter from Coleman to La Chaise in April, 1675, whereas it was plain from the documents on the table that there had been no correspondence between them before September in that year; and Oates by deposing to numerous transactions with him, though in presence of the council the informer was unacquainted with his person, and appeared to be ignorant of these very transactions. Bedloe probably made no answer; Oates replied with some embarrassment, that his eyes were at the time so dazzled by the lights on the table that he could not see distinctly, and his mind so overpowered by fatigue, that he was incapable of recollection. Coleman was found guilty, and perished on the scaffold, protesting his innocence with his last breath.[3]

Whitbread, Fenwick, Ireland, Grove, and Pickering were soon afterwards brought to the bar. The evidence of Oates was positive against the whole five; that of Bedloe, by some unaccountable mischance, affected only the three last. In these circumstances Whitbread and Fenwick were by law entitled to an acquittal; but the chief justice ordered them to be removed; and called on Ireland, Grove, and Pickering to proceed with their defence. The jury returned a verdict of guilty, and the three unfortunate men died like Coleman, asserting on the scaffold, as they had asserted at the bar, that before their apprehension they had never heard, never so much as thought, of the treason for which they suffered.[4]

In these prosecutions Bedloe acted only a secondary part as the auxiliary of Oates: with respect to the death of Godfrey, he claimed the merit and

[1] State Trials, vi. 1501. Burnet, ii. 160. Conspirations d'Angleterre, 378.

[2] C. Journ. Nov. 2, 4, 7. According to the report of the committee, Coleman said that he had received two thousand five hundred pounds from Barillon, "to distribute to members of the house of Commons to prevent a rupture between the two crowns," but "had applied the money to his own use, because he thought he was as much out of purse upon the French account in his way of living; though he told Barillon that he had given to some members according to his promise."—Journ. p. 534. I suspect some inaccuracy in this statement. After Coleman's death, his widow presented through Barillon a petition to Louis, stating that sixty-five thousand livres, or five thousand pounds, had been promised to her husband for his services in preventing the declaration of war; that only one half, two thousand five hundred pounds, had been paid to him, and that Barillon objected to pay to her the remaining half without an express order from the king.—Dalrymple, 201. On what ground could she claim the money, if her husband were only an agent to distribute it to others?

[3] State Trials, vii. 1, 78. Florus Anglo-Bavaricus, 135.

[4] State Trials, viii. 79, 143.

reward of an original informer, but was compelled to spend two months in search of a second witness to confirm his sole and unsupported testimony. The deficiency was supplied by the apprehension on some trifling charge of Prance, a silversmith, who had occasionally been employed by the queen. Bedloe, the moment he saw Prance, exclaimed "That man is one of the murderers;" and the unfortunate silversmith was hurried to Newgate, where, under the influence of threats and promises, he was induced to confess himself guilty, and to accuse as accomplices, Hill, Green, and Berry, three servants at Somerset House.[1] But his mind was not hardened against the sting of remorse; he requested to be brought a second time before the king and the council, and on his knees, with the strongest protestations of horror and repentance, declared that the whole of his confession was false, and that he knew nothing of the murder or the murderers. The managers attributed this retractation to the arts of the Jesuits. Prance was remanded to Newgate and chained to the floor in the condemned cell: his terrors and his sufferings bereaved him occasionally of his reason; and Dr. Lloyd, lately made dean of Bangor, and Boyce, the keeper, urged him to confess, the one employing spiritual, the other worldly motives. At last he consented; but his disclosures were now so numerous and portentous, that the credulity of the dean was startled; he declined any further interference,[2] and left the unhappy man to the management of Boyce, with whose assistance a narrative was composed, professing to detail "the manner and circumstances of the murder, the conspiracy to assassinate the earl of Shaftesbury, and the vile practices of several popish priests."[3] The prisoners Hill, Green, and Berry, were now brought to trial: ignorant and unassisted, they were unable to detect and expose the glaring inconsistencies between the depositions of the two informers; and all three received judgment of death. Hill and Green, who were Catholics, having resisted every attempt to draw from them an acknowledgment of guilt, suffered at Tyburn: to Berry, a Protestant, the respite of a week was granted; but he, like his companions, disappointed the hopes of the committee, and died like them with asseverations of innocence in his mouth.[4]

But from these scenes of horror it

[1] Like Oates and Bedloe, he had the folly to mention a room in Somerset House, where the body lay, and being sent there, like them was unable to find it.—L. Journ. 438.

[2] See L. Journ. xiii. 431, 436, 438; James (Memoirs), i. 535; Extracts from the journal of the committee, and the letters of Prance and Lloyd in Brief Hist. iii. 64—86. "From the time of taking off my irons and changing my lodging, which was upon my yielding basely to forswear myself against those innocent persons who dy'd on my wicked evidence, Mr. Boyce was the man that acted for me, and writ many things which I copy'd after him. I found by his discourse that he had been several times with my lord Shaftesbury and with Bedloe, and he told me that I should be certainly hang'd, if I agreed not with Bedloe's evidence" (p. 127). It is plain that little reliance can be placed on the words of Prance; yet, as Dr. Lloyd observes, "he was best able to refute his own fictions concerning the murder, in which his word may be of some credit, but of none in any thing else" (p. 85).

[3] "A True Narrative and Discovery, by Mr. Miles Prance, of Covent-garden, Goldsmith," 1679.

[4] State Trials, vii. 159—230. Ralph has printed the depositions of Bedloe and Prance in parallel columns, that the reader may see at one glance how they contradict each other in almost every circumstance of time, place, and thing (i. 419). Perhaps I should mention that great endeavours were made to implicate in the plot Pepys, secretary of the Admiralty to the duke of York, and that with that view Atkins, his clerk, was charged and tried as an accomplice in the murder of Godfrey. Bedloe, before the lords, swore that one of the accomplices, "who called himself Atkins, was in all things very like the prisoner; but because he never saw him before that time, he could

is time to divert the reader's attention to a new intrigue of a very different description, which led in its consequences to the dissolution both of the ministry and the parliament. It will be remembered that on the 25th of March the lord treasurer, in opposition to his own judgment, wrote by order of Charles a letter to Montague, the ambassador at Paris, commissioning him in certain circumstances to demand from Louis a pension of six million of livres in return for the king's services in disposing the allies to consent to the conditions of peace. The demand was never made—not because it shocked the patriotism of Montague, for it had been suggested and recommended by him[1]—but because the terms proposed were rejected by the French cabinet. What secret overtures were afterwards made to the ambassador by Louis, we know not; but he felt or pretended to feel as an injury the king's refusal of his request to purchase the office of secretary from Sir Henry Coventry, and suddenly abandoning his situation in Paris, he returned without permission or notice to England. Danby, apprehensive of his enmity, watched his steps with solicitude: it was discovered that he not only associated with the popular leaders, but held secret and nightly conferences with Barillon; and his attempts to procure a seat in the house of Commons convinced the minister that, if Montague delayed to strike the blow which he meditated, it was only till he could shelter himself from the royal resentment under the privileges of parliament. At the election for Grinstead he was defeated by the foresight of Danby: at that for Northampton he was returned by the mayor; his absent opponent Sir William Temple by the sheriff; but Montague petitioned, the popular party espoused his cause, and the house pronounced him duly elected.[2]

Montague's real object was the ruin of the lord treasurer. With the popular leaders it had been arranged that *he* should bring forward the secret despatch of March 25th; and that *they* should ground on it a vote of impeachment against Danby. With Barillon he had concluded a contract that one hundred thousand livres should be spent by the ambassador in purchasing the aid of the most powerful speakers in parliament, and one hundred thousand crowns should be paid to Montague himself, if through his exertions Danby were removed from office within the course of six months.[3] Still he delayed. His timidity was not satisfied with the protection afforded by a seat in parliament, and he waited for the time when the disbandment of the army should render the king less able to violate the privileges of the members. But Danby had already received a hint of his danger: he knew that his despatches had been secretly shown to some of his opponents, and it became to him a matter of the first importance to gain possession of the obnoxious papers. With this view he laid before the council the in-

not positively swear it, but he verily believed him to be the man."—L. Journ. 351. Before the trial, however, it was known that Atkins that very evening was drinking till he was intoxicated, on board one of the king's ships in the river; and Bedloe then swore that the accomplice "was not such a man as the prisoner. He had a more manly face and beard."—State Trials, vi. 1473—1492; vii. 242. Atkins of course was acquitted.

[1] His letters are published among those

[2] Ibid. 78, 83, 88, 115, 116. C. Journ. Oct. 21, Nov. 6, 11, 23.

[3] See Barillon's despatch in Dalrymple, 193. If Louis objected to the one hundred thousand crowns, he was willing to accept a capital producing forty thousand livres of rentes on the Hôtel de Ville, or a pension of fifty thousand for life, at the option of the king.—Ibid.

formation given by Sir William Temple, that Montague had privately visited the papal nuncio at Paris, and might therefore be in some manner or other implicated in the popish plot:[1] it was immediately resolved to pursue the inquiry; messengers were despatched to make the seizure of his papers: and Erneley, chancellor of the exchequer, delivered a royal message, announcing this proceeding, and the information on which it was grounded, to the house of Commons.

The matter had been conducted with so much secrecy that Montague and his friends were taken by surprise. The ingenuity of Powle (he afterwards received five hundred guineas from Barillon as a reward for his services[2]) relieved them for a while from their embarrassment. The seizure he maintained was a breach of privilege, unless the information had been taken upon oath, and, at his suggestion, Lord Cavendish with other members waited on the king, to ascertain the fact as to that particular circumstance. To their mortification Charles drily replied, that he would return an answer after the two houses were risen.

In the next place Harbord, another of Barillon's pensioners, was deputed to visit Montague's house, with private instructions from that member. Having ascertained that the letters, the only real objects of anxiety to both parties, had hitherto escaped the search of the officers, he returned; Montague immediately announced that he had in his keeping papers containing indubitable proofs of the guilty projects of a certain great minister; Lord Cavendish moved that documents of such high importance should be placed under the custody of the house; and Harbord, Lord Russell, and several others were commissioned to proceed and take possession of the letters in question, in the name of the Commons of England. They returned bearing a small casket, which was placed on the table; and Montague, selecting from its contents two papers, delivered them to the speaker, protesting at the same time that it had been his intention to have communicated them through Secretary Coventry to the king, and that he should not have presumed to make them public even now, were it not in obedience to the express commands of the house. Both bore the signature of the lord treasurer. One, of the date of January 16, stated that the adjournment for thirteen days had been adopted in the hope of discovering in the interval some expedient for a peace; the other proved to be the celebrated despatch of March 25, with which the reader is already acquainted.

The reading of these papers electrified the house. They were described as a continuation of Coleman's intrigue; they proved that the same objects were kept in view, and the same manœuvres employed; that the king's ardour for war had been a mere pretext to wring money from his people; and that, the moment money was voted, he had offered to sell the nation to a foreign sovereign. The debate was long and stormy; and no one expressed more virtuous indignation against pecuniary transactions with France, than those who were then in the pay, or who had planned the prosecution with the advice of the French ambassador. The house, carried away by the impulse of the moment, voted by a majority of sixty-three voices that the lord treasurer

[1] Danby's Letters, 265—267. Dalrymple, 198.

[2] Barillon appears to have made out in December of each year an account of the money which he disbursed for political purposes. The account for the present year up to December has not been discovered; that for the year 1679 will be afterwards noticed.

should be impeached of high treason, and that his letters should be entered on the journals.[1]

Thus far the cunning of Montague had triumphed over that of the minister. He was not, however, without apprehension. He knew that the charge which he had brought might be retorted with tenfold energy against himself, and that the letters, in which he had originally suggested, and afterwards advised, the measure, were still in existence: but he gave credit to his adversary for a more delicate sense of honour than he possessed himself, and trusted that Danby would be restrained from the publication of those documents by the fear of betraying at the same time the secret views and negotiations of the sovereign. In this respect he argued correctly; for out of the whole correspondence the treasurer could find but two letters which he might produce in his vindication without compromising the king. Both were forwarded to the house. The first, dated January 1, N.S., gave information that Ruvigny was sent to London to treat through Lord Russell with the popular leaders: the other, of the 18th, contained a proposal from Montague respecting a demand of money on a conclusion of peace, and a request that he might be furnished with instructions on that head. They were publicly read by the speaker, but no attention was paid to them by the house, nor were they entered on the journals. The next day the impeachment was voted, and Sir Henry Capel received orders to carry it to the house of Lords.[2]

This instrument accused the earl of Danby of high treason and other high crimes, misdemeanors, and offences; and in particular—1. of traitorously "accroching" to himself regal power by acting without communication with the secretaries of state and the other counsellors; 2. of endeavouring to subvert the ancient government by keeping on foot a standing army; 3. of negotiating a peace in favour of France to the prejudice of England, that he might in return obtain money from France for the support of that army; 4. of being popishly inclined, and of having concealed the popish plot; 5. of having wasted the royal treasure in secret services and useless pensions; and, lastly, of having obtained for himself grants from the crown contrary to the act of parliament.[3]

Of Montague's perfidy and baseness in this proceeding there can be but one opinion. He had charged the counsels, of which he was himself the author, on one by whom they had always been opposed; he had betrayed the confidence reposed in him by his sovereign, and had sold his services to that very power whose intrigues he

[1] Journ. Dec. 19. Reresby, 74—78. Parl. Hist. iv. 1054—1067.

[2] Danby says that the letters were not read (Danby, 102); but this, it appears from the journals (Dec. 20), is a mistake. They were moreover entered; and what is still more extraordinary, the entry of Danby's letters omits the very important postscript in the hand of the king, testifying that the letter was written by his order. Was it then intended to keep this circumstance from the knowledge of the house? It has been answered, no: that the letter, which had been read, and was entered, was a copy only, wanting the postscript, for Lord Russell said, "Montague cannot come at the originals now, but he has a copy of them." Whether that copy had or had not the postscript is immaterial; for Lord Russell spoke before the messengers were sent for the box, and meant to inform the house that, if the originals had been seized, yet there was still a copy at their service. But no use was made of that copy, because the messengers returned with the box, out of which Montague himself took the originals, and delivered them to the speaker, who read them to the house. Mr. Williams immediately asked, "Will any member aver this to be the treasurer's letter?" Montague replied, "I conceive it to be his hand; for I have had several letters from him in the same hand."—Parl. Hist. iv. 1061. Hence it is plain that the original letters were read; and probable, that the postscript, as it was not afterwards entered, had been suppressed at the reading.

[3] C Journ. Dec. 21.

had been commissioned to watch and unravel. Nor can much be said in favour of the leaders by whom he was supported. They lent their powerful aid to the malice of a disappointed individual and the policy of a foreign court; they sought to interest the passions of the house by clamour and misrepresentation; they voted charges which were, on the very face of them, false and absurd; they affixed the penalties of treason to an offence which, when fully proved, could amount to no more than a misdemeanor; and this sacrifice of honour, truth, and justice, they made for the paltry purpose of ruining the adverse leader of a political party. Their intemperance, however, had its usefulness: it taught succeeding ministers to recollect that, besides the sovereign whom they served, there existed another power, before which they might be compelled to answer, if, through obsequiousness to the royal will, they should presume to violate the existing laws, or to act in opposition to the acknowledged interests of the country.

In the house of Lords Danby defended himself with spirit and eloquence. It was, he owned, a misfortune to lie under an impeachment by the house of Commons; yet even with that misfortune upon him, he deemed himself more happy than his accuser, abhorred as that accuser must be by every honest man, for his duplicity, his perfidy, and his ingratitude. Of the charges against him he spoke with contempt. He denied them all: he defied his adversaries to the proof; he asked for nothing but an equal and a speedy trial. The Commons insisted that he should be committed a prisoner to the Tower; but it was argued that not one of the offences specified in the impeachment amounted in law to high treason: after an adjourned debate, the demand was refused, and a day was appointed on which the treasurer should give his answer.[1]

The parliament had now lasted eighteen years. In its infancy it had been distinguished by a habit of blind obsequiousness, in its more mature age by a system of determined hostility, to the court. The duke of York long ago advised a dissolution; but Charles had listened to the contrary suggestions of the minister, who felt little for the personal embarrassments of the king's brother, as long as he hoped by promises and bribes to mould the majority to his own purposes. Now, however, this hope had vanished. An impeachment was hanging over his head; he could have no certain reliance on his innocence, at a time when the jealous and vengeful passions of the people were in the keeping of his adversaries; and there was reason to fear that the king, however resolute he might profess to be at the moment, would ultimately yield to his habitual love of ease and his constitutional apprehension of resistance. The treasurer's best chance of safety depended on an immediate termination of the session. It would, indeed, be accompanied with an inconvenience, the loss of a bill of supply for six hundred and forty thousand pounds for the disbanding of the army; but for this might be substituted the surplus revenue of the year and a loan from the prince of Orange. Danby ventured to bring forward the proposal in the council; and Charles readily prorogued the parliament for the space of five weeks.[2]

[1] Lords' Journals, xiii. 432—435, 441. Parl. Hist. iv. 1069. Reresby, 78.

[2] L. Journ. 447. Reresby, 78. The savings to the amount of six hundred thousand pounds had hitherto been applied towards the gradual extinction of the debt incurred by the stoppage of the exchequer in 1672.—Reresby, 67. Parl. Hist. iv. 1063, 1071.

CHAPTER VI.

THE DUKE OF YORK QUITS THE KINGDOM—DANBY PARDONED BY THE KING, BUT IMPRISONED—NEW COUNCIL—DEBATE ON THE BILL OF EXCLUSION—PROROGATION—EXECUTION OF MITCHELL IN SCOTLAND—MURDER OF ARCHBISHOP SHARP—VICTORY AND DEFEAT OF THE COVENANTERS—TRIAL AND EXECUTION OF FIVE JESUITS—OF LANGHORNE—ACQUITTAL OF WAKEMAN—DISSOLUTION OF PARLIAMENT—PETITIONERS AND ABHORRERS—BILL OF EXCLUSION LOST IN THE HOUSE OF LORDS—TRIAL AND EXECUTION OF VISCOUNT STAFFORD.

FROM the prorogation the lord treasurer derived this important benefit; it suspended the proceedings against him, and afforded him a breathing-time to provide for his own security. His first care was to break the combination of his enemies by entering into a private treaty with some of the leaders; the Lord Holles in one house, and Lyttleton in the other, were induced to make to him, under certain conditions, a promise of neutrality, if not of support, on the question of impeachment; and the king by his advice dissolved the parliament, summoning at the same time another to meet at the expiration of forty days. Never perhaps did a general election take place at a season of more intense excitement. The flame kindled in the capital had spread to the remotest corners of the country; and the minds of men were agitated by rumours and jealousies the most extraordinary and unfounded. They believed at the same time that the king was a party to the conspiracy, and that his death was one of the great objects of the conspirators; they suffered their judgments to be swayed by words instead of facts, but by words apparently of tremendous import, though without any definite meaning; and the candidates in the interest of the court were everywhere assailed with cries of the danger of Protestantism, and the bloody designs of the papists. The returns proved that the influence of the minister was no match for the phrensy of the people. His adherents were rejected with marks of infamy, and their places supplied with men breathing vengeance against the Catholics, and against an administration by which they believed that the Catholics were secretly supported.[1]

The unfavourable result of the elections suggested to Danby the necessity of some expedient to propitiate and disarm his opponents. *They* had failed to exclude the duke of York from the house of Lords; *he* undertook to remove him from the kingdom. To sound the disposition of that prince, certain persons, some his known friends, others considered as neutral, were employed to explain to him the expediency of a voluntary but temporary exile; and when he refused to purchase impunity for the minister by his own disgrace, Danby advised the king to send him an order to quit England, and to fix his residence at Brussels. But the good-nature of Charles recoiled from so harsh and ungracious a proceeding; the suggestion of an attempt to convert his misbelieving brother was adopted as less offensive to his feelings; and the archbishop with some of his brethren

[1] Burnet, ii. 177. L. Journ. xiii. 448 North, 504, 505.

received a commission to bring back the strayed sheep to the fold of the established church. These prelates waited on the duke; they represented to him the pain which it gave them to behold the son of a martyred king absenting himself from the national worship; they inveighed in sharp and bitter terms against the principles of the Roman church; and they maintained that she "both taught and practised doctrines destructive of salvation:" an assertion which, with his permission, they were prepared to establish, "not by perplexing him with the subtleties and niceties of the schools, but by a plain text or two, and a plain obvious matter of fact." James replied that he doubted not the uprightness of their motives, though he knew that the suggestion came from an enemy; that it would be presumption in him, a layman, to enter the lists against professed theologians; that he had not changed his religious creed without a serious examination of the distinctive doctrines of the two churches, or a clear foresight of the sacrifices which that change would entail upon himself; and that to renew the investigation would require more leisure than he at that time possessed, and more deep and continued attention than he could under existing circumstances command. The failure of the prelates and the importunity of the treasurer subdued the reluctance of Charles, who at length mustered sufficient courage to hint to James that his expatriation for a short time offered the most probable means of mitigating the hostility of his enemies. The duke professed himself ready to submit to the royal will, but at the same time solicited two favours; one, an order in writing to quit the kingdom, that he might not appear to steal like a coward from the contest; the other, a solemn promise that his rights should not be sacrificed in his absence to the pretensions of Monmouth, who, it was now reported, had provided four witnesses to establish, in the event of the king's death, a contract of marriage between his father and mother. The order was immediately given in the form of a most affectionate letter; and Charles, having assembled the council, declared "in the presence of Almighty God that he had never given or made any contract of marriage, nor was ever married to any woman whatsoever but his wife, Queen Catherine, then living." For greater security he subscribed this declaration, commanded the counsellors present to attest its execution with their signatures, and ordered the instrument with their testimony to be enrolled in Chancery.[1] James, accompanied by the duchess, departed the next day for Brussels: his daughter Anne was left under the care of her uncle, that it might not be said that her father meant to seduce her from the Protestant worship.[2]

The parliament opened with a violent altercation respecting the choice of a speaker. Seymour, who had discharged the office in the last, was re-elected by the new house of Commons. This, however, accorded not with the designs of the lord treasurer, and it was resolved that when, according to custom, he should beg of the king to be excused, his prayer should be granted; but Seymour, aware of the intention, omitted in his speech

[1] This declaration, as well as another made on the 6th of January, has been published by Mr. Rose from the rolls in Chancery.—Observations on Fox, App. p. 59.

[2] James (Memoirs), i. 530, 536, 537, 541. Dalrymple, ii. 212. Burnet, ii. 194. The discourse of the prelates is in Clar. Corresp. ii. App. 467—471. The duke afterwards wrote to the archbishop an account of his conversion, which did not take place till after the Restoration, and in consequence of the fullest conviction.—James (Memoirs), i. 539, 540.

the usual disqualifying expressions, and merely stated that he stood there to receive his majesty's approbation. The chancellor was disconcerted; Charles had more self-possession; he whispered in the ear of that officer, who answered that Seymour was reserved for a different employment, and that the Commons must proceed to a new election.

This affront to the speaker elect has been represented as the consequence of a private quarrel between him and the Lady Danby. But it is scarcely credible that the treasurer, with an impeachment hanging over his head, would wantonly plunge into another quarrel with the house of Commons merely to gratify the resentment of his wife; and the subsequent proceedings appear to show that the attempt was made in consequence of the secret understanding between him and some of the popular leaders. The person whom he sought to substitute in the place of Seymour was Sir Thomas Meres, one of his most active and eloquent opponents in the late parliament: but the Commons adhered to their first choice; and to their petition that the king would not invade their undoubted right, an answer was returned, bidding them not to waste the time but to obey. They requested him to reconsider their petition, and he prorogued the parliament for two days. When the house met again, Seymour was never mentioned: as if no dispute had previously existed, Serjeant Gregory, on the motion of Lord Russell, seconded by Lord Cavendish, was placed in the chair, and the new speaker immediately received the approbation of the king. By this arrangement Charles saved to the crown the right of refusing the person elected; and the Commons took from the privy counsellors, by whom it had hitherto been exercised, the privilege of proposing the name of the speaker, and extended it to any member of the house.[1]

The moment the last parliament was prorogued, Montague, apprehensive of the royal resentment, had endeavoured to escape to the continent in disguise, but had been apprehended on suspicion at Dover, and compelled to give security that he would not quit the kingdom. Again, however, he absconded, till his election for the borough of Huntingdon in the new parliament reinvested him with freedom from arrest, and placed him in a situation to resume the prosecution of Danby.[2] Fortunately for this purpose, the Lords had resolved that "the dissolution of the last parliament did not alter the state of the impeachments brought up by the Commons in that parliament,"[3] and the majority of the house were so irritated by the late contest respecting the speaker, that they offered themselves to become the willing tools of his policy or malice. Charles saw, and sought to avert, the impending storm. Having compelled the treasurer to resign the staff, he called the two houses into the royal presence, and informed them that, whatever Danby had done in the writing of the letters, or the inquiry into the plot, had been done by his express order; that they were in reality his own acts, and he was therefore bound to shield his minister from punishment on his account. There existed, indeed, other reasons why he should exclude the earl from his counsels and presence; but, with respect to the offences of which he had been impeached, a full pardon

[1] Reresby, 80—82. Parl. Hist. iv. 1093—1113. Burnet, ii. 194. [2] Danby, 118.

[3] L. Journ. xiii. 464, 466. We may infer from the report of the committee that this resolution was not founded on any ancient precedent, because no inquiry into precedents was made.

had already been granted him, and that pardon should be renewed a dozen times, if a dozen renewals should be found necessary.[1]

If Charles assumed on this occasion so decisive a tone in favour of his late minister, it was not that he any longer looked upon him with feelings of friendship and esteem. For some months the chief object of Danby's proceedings had been his own preservation; to his obstinacy in the inquiry into the plot the king attributed all his present embarrassments; and the duchess of Portsmouth, whose industry had been quickened by a threat of impeachment, laboured by her suggestions to strengthen the alienation of the royal mind.[2] But a sense of honour and justice (so it was pretended) forbade the monarch to allow that the servant should suffer the penalty of a transaction in which he had done nothing more than obey the command of his master; though, if we believe Danby himself, the king was actuated by another and more selfish motive; it was for the royal interest to prevent a trial, because a trial would probably lead to the exposure of the secret treaties between Charles and the king of France. Had it not been for this inconvenience, Danby would have refused the pardon; he wanted no shield for defence; he was ready to fight his enemies with such arms as innocence supplied.[3] However that may be, by the house the very mention of a pardon in bar of an impeachment was taken as a wrong and an insult. Having searched in vain for a copy of the instrument in the different public offices, they interrogated the lord chancellor; and learned from him that Danby offered the pardon ready drawn to the king, who immediately signed it, and ordered the person who carried the bag to affix the great seal in his presence.[4] In the debate which followed, Powle (the reader will recollect that he was at the very time the secret pensionary of Barillon) called in bold and indignant language for the punishment of a perfidious minister. Danby, it was said, had brought the nation to the very brink of ruin; it was to his mercenary policy that Louis owed the victories which made him master of Flanders, and to his arbitrary maxims that the last house of Commons was indebted for the sharp and vituperatory answers which had been returned to its addresses. He had raised a standing army with the intention of defraying the charge for three years with French money; he had drained the treasury to enrich himself and to bribe others; and he had first concealed the plot, then tampered with Bedloe to prevail on him to abscond, and afterwards had spoken of Oates in terms of obloquy and contempt. The king possessed, it was true, the power of pardoning, when *he* was the prosecutor; but had he the same power when the prosecution proceeded from the house of Commons? He could not deprive an injured individual of his remedy at law; and by parity of reasoning he could not take from the representatives of the nation their remedy against the national enemy. By the courtiers it was replied, that the right of pardoning was vested in the crown; that up to that day the exercise of such right had never been called in question; that, if any inconvenience were experienced, limitations might be imposed by a prospective law, but such limitations could not operate to the prejudice of pardons already passed. After a stormy debate, the house

[1] L. Journ. 466. Beresby, 84. Burnet, ii. 196. The pardon was dated on March 1. —See it in Journals, xiii. 539.

[2] Temple, ii. 478. [3] Danby, 109, 111.

[4] Hence the chancellor argued that the seal was not in his possession, but in the possession of the king, and that of course he was not responsible.—C. Journ. March 24.

resolved to represent to the king the irregularity and illegality of the pardon, with the dangerous consequences of pardons in cases of impeachment by the Commons of England; and at the same time to send a message to the Lords, demanding that the accused might be sequestered from parliament, and committed to safe custody. The representation was not made; but the votes of the house served to alarm both the king, who saw that by supporting the minister he had involved himself in a new contest respecting his prerogative, and the Lords, who, that they might not seem to act from intimidation, ordered in great haste the usher of the black rod to take the earl of Danby into custody, and then, in answer to the message, replied that they had already of their own motion anticipated the wishes of the Commons.[1]

To prevent the trial, now became the chief object of the court. Danby, with the king's connivance, had secretly taken refuge at Whitehall, while the Lords passed a bill disabling him from holding office, or sitting in parliament, to which was afterwards added a clause banishing him from the kingdom. By the Commons this bill was rejected on the first reading, and one of attainder substituted, unless he should surrender himself for trial against a certain day. This, however, in its progress through the upper house, was by successive amendments converted into a bill of banishment, similar in its provisions to the former. The Commons rejected the amendments; conferences followed between the houses, and private meetings between the leaders of the parties; the king's friends, among whom, for reasons to be presently related, Shaftesbury now took a prominent part, offered to consent to additional severities, to the loss of the peerage, to the confiscation of property, to anything except a trial on the charge of high treason; but their adversaries were as eager to acquire, as the king was to conceal, the knowledge of the secret negotiations with France; the Lords found themselves compelled to acquiesce, and, as soon as the bill had passed both houses, Danby surrendered himself to the black rod, and was committed to the Tower. A few days later he put in his answer, in which, having complained of the generality and uncertainty of the articles, he successively denied them all; and then, reciting at large the pardon granted to him by the king, pleaded it in bar of the impeachment, and in discharge of all the offences of which he was accused.[2]

The eagerness with which the popular leaders hunted down this unfortunate minister did not cause them to relax in their pursuit of the supposed conspiracy. The two houses still appeared to contend against each other in the race of orthodoxy and loyalty. Informers and arrests were multiplied; every prison in the metropolis was filled with the victims of perjury and suspicion; throughout the kingdom all Catholics, not merely those of rank and influence, but artisans, servants, and labourers, were summoned to take the oaths, or give security for their behaviour; every priest whom the officers could discover was committed to take his trial on the charge of high treason; and the king was harassed with addresses for rewards to informers,[3] for the ejection of papists from the inns of

[1] C. Journ. March 24. L. Journ. xiii. 475. Parl. Hist. iv. 1115. Burnet, ii. 196. On the 10th of April the Lords resolved that the previous refusal to commit Danby should not be drawn into precedent.—L. Journ. 510.

[2] L. Journ. 476, 479, 481, 496, 497, 505, 509, 510, 513, 514, 516, 520, 521, 537.—C. Journ. March 27, April 1, 7, 8, 12, 14. Burnet, ii. 197. Reresby, 84—86.

[3] In consequence of repeated addresses, Oates and Bedloe were not only lodged and

court, and for the removal from employment of all Protestants who suffered any of their children to be educated in the Catholic faith. Both houses again declared that there had existed, and did exist, a horrid and treasonable conspiracy, contrived by those of the popish religion, for the murdering of the king, the subverting of Protestantism, and the ruin of the ancient government of the kingdom; and, the more to inflame the passions of the people, it was ordered that this vote should be prefixed to the public form of prayer appointed to be read on the day of the national fast. So general, indeed, was the infatuation, so violent were the antipathies of those who partook of it, that even the few who doubted or disbelieved the existence of the plot, concluded "that it must of necessity be pursued as if it were true, whether it were so or not;" and that, without the king's uniting with his people on this point, he would never grow into ease at home, or consideration abroad.[1]

The articles of impeachment against the Catholic peers in the Tower were at length forwarded by the hands of Lord Russell to the house of Lords. This instrument charged them, that, in union with Cardinal Howard, the provincial of the Jesuits, and a number of persons, whose names were mentioned, they had conspired to imprison, depose, and murder the king, and to reduce the kingdom under the tyranny of the pope; and that for this purpose they had employed persons to take his majesty's life, had provided men and arms, had corresponded with other conspirators beyond the sea, had accepted commissions from the pope, had caused their priests to administer oaths of secrecy, and had incited their adherents to assassinate Sir Edmondbury Godfrey. The Lord Petre pleaded at once that he was not guilty; the others that they could not be expected to answer a charge so general and uncertain, which specified neither the times when, nor the places where, the offences were supposed to be committed, and which consequently, by keeping them in ignorance, disabled them from providing witnesses, or preparing their defence. That there was much reason in this objection, can hardly be denied; but the Commons pronounced it an evasion, and resolved to demand judgment against the four lords, unless they put in a different answer. They deemed it prudent to yield, and, saving to themselves the benefit of exception to the generality, uncertainty, and insufficiency of the articles, severally pleaded not guilty.[2]

On the preceding day had been tried, under a special commission, and at the request of the house of Commons, Nathaniel Reading, a Protestant barrister, once secretary to Massaniello in the celebrated insurrection at Naples, but now practising the law in London. He was acquainted with Bedloe, had often given him the benefit of his advice, and occasionally supplied him with money. In Trinity term he had been employed

boarded at the public charge, they also received large sums of money; Bedloe, in particular, the reward of five hundred pounds promised for the discovery of the murderers of Godfrey. In the Appendix I shall give the bills of expenses delivered in by these men; by Oates on the 11th, by Bedloe on the 15th of February. That by Oates amounted to six hundred and seventy-eight pounds, twelve shillings, and sixpence; that by Bedloe to two hundred and thirteen pounds. When the reader has perused them, he will be at a loss which to admire the most, the impudence of these impostors or the credulity of the men who condescended to be their dupes. Oates charged the nation fifty pounds for a pretended manuscript of the Alexandrine copy of the Septuagint, which he alleged that he had given to the Jesuits in order to win their confidence!—See Appendix EEEE.

[1] Temple, ii, 491.

[2] C. Journ. April 3, 23. L. Journ. 500, 517, 521, 535, 512.

in procuring the discharge on bail of several among the prisoners on account of the plot, and after the dissolution had been consulted on the same subject by some of the lords in the Tower. In a private conversation between Reading and Bedloe it was suggested (but from which of the two the suggestion originated is uncertain) that, in consideration of an adequate reward, the informer might pare down the evidence which he had already given, so as to render it insufficient to convict the accused of treason. For this purpose, Reading, with the concurrence of Bedloe, wrote out an amended form of testimony to be produced on the trial, took it in company with him to the Tower, and on his return delivered it to his associate. But that associate had previously betrayed him to the committee of inquiry: witnesses had been already concealed to overhear their discourse, and the paper in his writing was instantly, but secretly, transferred by him to the custody of a third person.[1] The fact could not be denied. Reading sought to extenuate the offence by protesting that the first proposal came from his accuser, and that he joined in it for no other purpose than to prevent the shedding of innocent blood. He was sentenced to stand in the pillory, to pay a fine of one thousand pounds, and to suffer a year's imprisonment. Much appeared on the trial to expose the profligate character of Bedloe, but the punishment of the pillory disabled Reading from being afterwards produced as a witness to depose to his frauds and perjuries. Fortunately for the three lords, Powis, Stafford, and Petre, they had refused to send money, or to give any written promise to the informer; yet in the public mind the conviction of Reading created a strong presumption against them, accompanied with a persuasion that the attempt must have proceeded from their consciousness of guilt. It must be confessed that in ordinary times, when justice is fairly administered, such an inference is obvious; but it is not warranted in cases where innocence can afford no protection against the perjuries of witnesses and the prejudices of the court and jury. The accused foresaw that, if Bedloe were permitted to give his evidence, their lives would be sacrificed: it is no wonder, then, if they were willing to purchase his silence with money, the only object which he sought by becoming an informer.[2]

Ever since the short prorogation, the king had been occupied in devising and arranging a most important

[1] This account is taken from the evidence at the trial; but Reading, after he had stood in the pillory, presented a petition to the king, stating that he had been employed by Bedloe to draw up his pardons, that by free conversation with him he discovered not only his practices against innocent men, but his design of accusing the queen, and that he had intended to disclose it to the king, when, to prevent him, Bedloe and his accomplices charged him falsely of the crime for which he had been condemned and punished; which punishment he might have escaped if he would have turned informer against the innocent; wherefore he prayed that he might be admitted to prove the said practice of Bedloe and his confederates.—June 4, 1679. To this petition no answer was returned.—From a copy of the petition in the handwriting of Lord Viscount Stafford, now in the possession of Lord Stafford.

[2] State Trials, vii. 259—310. In answer to the questions put by Reading, Bedloe was compelled to acknowledge that he had intended, and even made preparations, to burn the city of Westminster; but that offence, he maintained, was covered by the king's pardon. He confessed also that he had been guilty of perjury on the trial of Whitbread, in swearing that he knew nothing of consequence against that Jesuit; but this he attributed to the persuasion of Reading. The fact was, he meant now to appear as a witness at the second trial of Whitbread, and invented this answer as an excuse for the contradiction which would then appear in his testimony.—Ibid. 271, 291, 294, 298.

change in the administration of the government. The exile of his brother and the disgrace of Danby had left him without an adviser to whom he dared unbosom himself with freedom and confidence. He had sent for Temple from the Hague to succeed Coventry as secretary of state. But Temple feared the responsibility of such an office in the excited state of the public mind, and suggested to the king to govern for the future without a prime minister, or cabinet council, or committee for foreign affairs; to dissolve the present council of state, consisting of fifty members, as being too numerous for secrecy or despatch; to establish in its place a new council of thirty individuals, to whom all public affairs should be referred, and by whose opinion the proceedings of government should be regulated; to give a place in this council to fifteen officers of state in virtue of their respective employments; to select the other fifteen from the popular leaders in the two houses; and to take care that the annual income of the thirty counsellors should amount to three hundred thousand pounds, that it might bear some proportion to that of the house of Commons, which was estimated at four hundred thousand pounds. It was expected that the following benefits would be derived from this institution: 1. The determined hostility of the popular party would in all probability be neutralized by the infusion of their leaders into the new council. 2. In the event of a rupture between the house of Commons and the court, the authority of the first would be balanced by the contrary authority of a body almost equal in point of property; for it was assumed as a political axiom that influence always accompanies property: 3. and the king would be still secure of the ascendancy in the council, because he might at all times command the votes of the fifteen officers of state, who depended on his pleasure for the possession of their respective employments.[1]

When this had been determined with Temple, Charles called in the lord chancellor, the earl of Sunderland, who had succeeded Williamson as second secretary of state, and the earl of Essex, who by the interest of Monmouth had been placed at the head of the treasury. The first difficulty in the nomination of the new counsellors arose from the mention of Lord Halifax. To him the king expressed the strongest dislike; nor was his consent extorted without repeated and most earnest entreaties. Immediately, to their surprise, he himself proposed the Lord Shaftesbury, alleging, as the reason, that Shaftesbury had it in his power to be still more mischievous than Halifax; and, when they objected that he would never be content to sit down as one among thirty, Charles replied that he should be president of the council.[2] Temple was silenced by the authority of the king and the approbation of his three colleagues, and the new council was instituted, containing, besides the officers of state, two lords from each rank in the peerage, the dukes of Albemarle and Newcastle, the marquesses of Winchester and Worcester, the earls of Salisbury and Bridgewater, the viscounts Falconberg and Halifax, and the lords Robartes and Holles; and in addition to Temple himself, the lords Russell and Cavendish, with Seymour, the late speaker,

[1] Temple, ii. 493, 495, 554.

[2] Temple does not attempt to account for this choice on the part of the king; perhaps it may be explained by the remark of James, that "he thought to keep Shaftesbury from doing him hurt by keeping him in his service."—James (Memoirs), i. 558.

and Powle, from the house of Commons.[1] Charles deemed the event of sufficient importance to announce it in a set speech to both houses of parliament. In the city and the country the intelligence excited the most tumultuous joy, which was testified by bonfires, and the usual manifestations of national triumph; and in Holland and Flanders it was hailed as the harbinger of a reconciliation between the king and his people, which would enable England to oppose an effectual barrier to the ambitious projects still attributed to the king of France. There were, however, many who looked on it with very different feelings. The Catholics anticipated the aggravation of their present miseries; the most loyal of the old Cavaliers believed that the king had delivered himself bound and gagged into the hands of his enemies, and the duke of York from Brussels foretold the downfall of the monarchy, or the horrors of a second civil war. But what created universal surprise, was the air of sullen indifference with which the announcement was received by the house of Commons. The other leaders thought themselves entitled to a seat in the new council as much as their colleagues. They declared that they did not understand the measure: it was probably an artifice of the court to lull them into a fatal security; it would be advisable to suspend their judgment till time had shown in what manner the new system would work. It soon appeared that Capel, Cavendish, and Powle, by their greater moderation, had forfeited the confidence of the house: Lord Russell, who continued to speak with his usual warmth, alone retained his former influence.[2]

The alteration had certainly been wrung from the king by the necessity of his situation. But though he was prepared to make the most painful sacrifices for the purpose of appeasing the jealousies of the nation, he had resolved to be, and to show that he would be, the master. One of the first measures recommended by the new counsellors was to weed out of office, and in particular out of the courts of law, and the commission of lieutenancy and the peace, all persons suspected of a secret leaning to popery. A new board of admiralty was already appointed, four of the twelve judges were displaced, when Charles persuaded himself that the real object was to remove from power all the real friends of the crown. He took his seat at the board, called for the rolls, and, wherever he found the name of a "bad man to be removed," assigned in his favour some reason so very ludicrous and inappropriate, as to convince the council that he came there not to argue the question, but to be obeyed. This policy succeeded; and after a few meetings the attempt was abandoned.[3]

The unexpected elevation of Shaftesbury had increased the power without mitigating the hostility of that nobleman. It was supposed by his adhe-

[1] See their names and offices in Courtenay's Mem. of Temple, ii. 38. Of the officers of state, Shaftesbury president of the council, Monmouth master of the horse, Essex first lord of the treasury, and his brother Capel first lord of the admiralty, belonged to the opposition; and of the ten peers, if we may judge from the signatures to the protests in the journals, Winchester, Salisbury, Falconberg, Halifax, and Holles.

[2] Temple, ii. 407, 556. C. Journ. April 21. L. Journ. 630. Dalrymple, 216, 217. "Tho' great patriots before in the esteem of both houses, most of them began to lose their credit with both; so true it is, there is no wearing the court and country livery together."—Reresby, 89. Sidney's Letters, 16, 50.

[3] Temple, 557. North, 77. "He found some jocular reason to let him stand; as that he was a good cocker, understood hunting, kept a good house, had good chines of beef, or kept good fox hounds, or some such indifferent matter, that it was ridiculous to contradict or dispute upon."—Ibid. 78.

rents that he owed his good fortune to the favour of Monmouth, and that the counsels of Monmouth had now that weight with the sovereign which report had formerly attributed to those of the duke of York. Hence the agitator had little difficulty in persuading the popular party that Charles was not unwilling to concede the exclusion of his brother, but that he would rather have it appear to be extorted from him by the importunity of the house, than to be offered spontaneously by himself.[1] The plan of proceeding was arranged with Shaftesbury's usual ingenuity. A report from one of the committees informed the house of a recent attempt of the papists to burn the capital by setting fire to a press in one of the houses in Fetter-lane.[2] It was immediately contended that these eternal enemies of Protestantism had not abandoned their flagitious designs, though so many of their agents had been convicted and executed; that the life of the king was daily in the most imminent danger; and that his fall would be inevitably followed by the conflagration of the city, the massacre of the orthodox inhabitants, and the ascendancy of popery and arbitrary power. At the same time information was conveyed to the committee of secrecy, that several bodies of French troops had been ordered to march to the coast, to be placed under the command of the duke of York, for the purpose of making a descent in England; and, when the minds of the members were sufficiently excited by these reports and harangues, votes were moved and carried to provide means for the security of the royal person and of the Protestant religion; to address the king for the revocation of all licenses granted to papists to reside in the capital; to order for execution Pickering, who had obtained a respite, and all priests who had been convicted of having exercised their functions within the realm; to send by the Lord Russell to the house of Lords for their concurrence a resolution that "the duke of York's being a papist, and the hope of his coming to the crown, had given the greatest countenance and encouragement to the conspiracies and designs of the papists;" and to prepare for the information of the house an abstract of all the evidence which tended in any manner to affect that prince.[3] Charles, aware of the real object of these votes, thought it time to interfere, and to moderate by concession the violence of the party. He proposed in the council to enact that, in the event of a Catholic succeeding to the throne, all presentations to church livings should be taken from him and vested in Protestant trustees; that the parliament in existence at the time of the last king's demise should continue to sit, or, if none were then sitting, the latest parliament that sat should re-assemble; and that no judges, no members of the council, no lord-lieutenants or their deputies, and no officers of the navy, should be appointed or displaced but by authority of parliament. Shaftesbury declared against such expedients; they were an attempt to bind Samson with withes; they were shackles from which any

[1] Temple, ii. 498.

[2] A servant maid confessed that she had been induced to set fire to the press by one Stubbs, who had endeavoured to pervert her, and had promised her a reward of 5*l*. Stubbs confessed that he had been hired by Gifford, his confessor, who said that it was no sin, and promised him 100*l*. reward out of the moneys belonging to the church; he added that two Irishmen were to feed the conflagration with fire-balls; that the English, Irish, and French papists in London would form a large army; and that the king of France had sixty thousand men ready to land to their assistance.—C. Journ. April 26. This absurd tale served its purpose for the moment, and was then suffered to be forgotten.

[3] James, i. 546. Com. Journ. April 26, 27. Parl. Hist. iv. 1125. Alg. Sidney's Letters, 36.

king might disengage himself without difficulty. But the majority of his colleagues expressed their approbation, and the chancellor in the presence of the king laid the plan before the two houses.[1] The Lords returned an address of thanks; the Commons passed to the order of the day, and attended to the report of the committee appointed to search for evidence against the duke. It stated on the authority of Coleman's letters that he had corresponded with the pope; that his first communication was lost on the way; that the second drew tears of joy from the pontiff; and that in the third he excused the consent which he had given to the marriage of his daughter with the Protestant prince of Orange. This report provoked an order to prepare a bill for his exclusion from the English throne, and a vote that the members would stand by his majesty with their lives and fortunes, and "if he should come by a violent death, would revenge his death to the utmost upon the papists."[2]

The bill of exclusion provided that, "whereas the emissaries, priests, and agents of the pope had seduced James, duke of York, to the communion of the church of Rome, and prevailed on him to enter into negotiations with the pope and his nuncios, and to advance the power and greatness of the French king, to the end that by the descent of the crown upon a papist, and by foreign alliances, they might be able to succeed in their wicked designs, the said James should be incapable of inheriting the crowns of England and Ireland; that on the demise of his majesty without heirs of his body, his dominions should devolve, as if the duke of York were also dead, on that person next in succession who had always professed the Protestant religion established by law; that if the duke of York, who was then in foreign parts, should ever return into these dominions, he should be, and was thereby attainted of high treason; and that if any one, during the king's life or afterwards, should aid or counsel the said duke, or should correspond with him either within or without the realm, or endeavour his return, or pronounce him the lawful heir, every such person so offending should be adjudged guilty of high treason."[3]

In support of this measure it was argued, 1. That the legislative power residing in the parliament was entire and supreme, extending to all matters of policy, and uncontrollable by former enactments; whence it followed that the present parliament was as capable of revising, modifying, repealing laws, and consequently of regulating the succession to the crown, as any preceding parliament by which that succession had been established: 2. That the great end of government was the common welfare, and that it was therefore the duty of parliament to exclude the duke of York, if it could be shown that such exclusion was necessary to the safety of the nation: 3. That the great inducement to the papists to attempt the assassination of the king, the conflagration of the capital, and the destruction of the Protestant religion, was the knowledge that the duke was the next heir to the crown; which inducement, and with it the dangers which it threatened, would by that bill be taken away: 4. That the preservation of the Protestant religion required the exclusion

[1] Temple, ii. 501. James (Memoirs), 548. L. Journ. 647. C. Journ. April 30. Temple joined Shaftesbury in the council, but on a different ground; that, if such restraints were imposed on a Catholic king, they would never be shaken off by his Protestant successors.—Temple, 502.

[2] C. Journ. May 11. Reresby, 89. Sydney's Letters, 65, 88.

[3] Narrative of divers remarkable Proceedings in the last Sessions, p. 20: London, 1679.

of a prince who would deem himself bound in conscience to labour for its subversion: 5. That he had in fact disabled himself; for the king by law was head of the church; and the duke could not take upon himself to be that head, because he professed to believe that the supremacy resided in the pope.

The duke's advocates replied,—1. That there were certain fundamental laws, such as the law of Magna Charta, and the law of succession, which no parliament was competent to alter: 2. That the houses had no right to commit injustice; the crown was the inheritance of the duke; it belonged to him as truly as the inheritance of an entailed estate belonged to the next in the entail; that to deprive him of it was to punish; and to punish without charge or trial, was contrary to justice: 3. That the dangers to the Protestant religion, anticipated from the government of the duke, were not necessarily connected with the succession, because they might be obviated by the adoption of the expedients which the king had suggested: 4. That the exclusion itself presented dangers of a very formidable nature; the Scottish would not submit to the dictation of the English parliament; James would still succeed to the crown of Scotland; he was a brave and persevering prince; he would undoubtedly claim his right by force of arms; he would find a strong party within the realm, and powerful aid from without; and if he were to obtain the crown by conquest, the Protestant religion would be exposed to greater danger than if he should succeed in the proper course, and under the limitations which had been recommended from the throne.[1] The great struggle between the parties was reserved for the second reading, preparatory to which the committee of secrecy made its report. Out of the immense mass of papers seized in consequence of the plot, sixty-four letters had been selected; extracts from these, or the substance of certain passages in them, were collected under separate heads; and this collection was read to the house as satisfactory proof of the dangerous designs attributed to the duke. A division followed, and the bill was passed by a majority of seventy-nine.[2]

This result cast a deep gloom over the cause of the duke of York; but his adversaries forfeited by their imprudence the benefit of their victory. They pursued too many objects at once; they were embarrassed and retarded by the necessity of dividing their attention, which was incessantly called from the bill of exclusion to the impeachment of Danby and the Catholic lords, and to the angry disputes which speedily grew out of those impeachments. 1. The Commons, with the speaker at their head, proceeded in a body to the house of Lords, and demanded judgment against the earl of Danby; but the Lords, on his petition, assigned to him a day to show, with the aid of counsel, the validity of his pardon, and the Commons, in a moment of irritation, passed a vote

[1] C. Journ. May 15, 21. Burnet, ii. 203. Reresby, 90, 91. Parl. Hist. 1131, 1136. "Two days after the committal of the bill," says Reresby, "I was at the king's *couchée*, and wondered to see him quite cheerful amidst such an intricacy of troubles; but it was not in his nature to think or perplex himself much about anything" (95).

[2] A copy was sent to the Lords, and afterwards the collection was published for the information of the people, under the title of "The Popish Damnable Plot against our Religion and Liberties fairly laid open and discovered in the Breviats of Threescore and Four Letters, &c. 1680." To an impartial reader, these breviats will not offer a shadow of proof, though men whose passions were already inflamed saw in them, with the aid of the accompanying comment, much that wore such an appearance. The numbers on the division were two hundred and seven and one hundred and twenty-eight.—Journals, May 21.

that if any commoner, without the permission of their house, should speak in support of that pardon, he should be accounted a betrayer of the liberties of Englishmen. 2. It was observed that, in all questions connected with the impeachment of Danby, the crown, with the aid of the prelates, could rely on a majority in the house of Lords; and to deprive it of that majority, the new doctrine was set forth, that the bishops had no right to sit and vote on the trials of peers in capital cases. Its advocates maintained that the prelates, though lords of parliament, were not the peers or equals of the temporal lords, for the following reasons: 1. They sat in parliament only as the actual possessors of certain ecclesiastical benefices; they did not come there by inheritance; neither could they transmit their seats to their descendants: 2. There was no instance of a bishop since the reformation having been tried by the house of Lords; all such trials had been by a jury of commoners; commoners were then their peers, and of course *they* could not be the peers of the temporal lords: 3. It was admitted that they never voted on judgment of death; now the final judgment often depends on the preliminary proceedings; whence it followed that they ought not to vote on such preliminary proceedings. It was answered that in the ancient rolls of parliament, the spiritual lords were styled peers of the realm no less than the temporal lords; the only difference admitted between them was, that in one case the peerage was personal, and transmitted by succession to the benefice, in the other hereditary, and transmitted to the heirs of the body; and that if they had not voted in cases of blood, it was not because they had no right in law but because, in conformity with the canons of the church, they had waived their claim. The Lords decided that the bishops had a right "to stay in court in capital cases, till judgment of death came to be pronounced;" that is, "till the question of guilty or not guilty were put." That this decision was in strict accordance with the constitution, cannot be doubted, but its propriety was questioned by the Commons:[1] pamphlets of the most defamatory description were published, and the chief among the prelates expressed a wish to abandon the contest. When orders were given for the trial of the lords in the Tower, the bishops asked leave to withdraw after the usual protestation; but the king insisted that they should at least be present and vote at the trial of the validity of Danby's pardon. His prerogative, he observed, was at stake, and experience must have taught them that their interest was closely bound up with that of the sovereign; the debasement of the crown would be quickly followed by that of the mitre. The Commons persisted in demanding that the trial of the pardon should precede that of the five lords, and that the bishops should be excluded from such trial; but their efforts were fruitless; the Lords repeatedly adhered to their former vote.[2]

The attempts of Shaftesbury to create embarrassment and confusion, through the agency of his adherents in the house of Commons, provoked a suspicion in his colleagues of the council, even those of his own party, that his real object was to place himself with Monmouth, whom he governed, at the head of the administration. He now brought into play a new engine, the secret committee of

[1] L. Journ. 570, 573. It was in conformity with the eleventh of the Constitutions of Clarendon that the bishops, in virtue of their baronies, are bound to be present till "sentence is about to be pronounced of life or limb."

[2] C. Journ. May 15, 26. L. Journ. 575, 577, 580, 584, 586, 587, 590, 594.

the house of Commons, which in its endeavour to affix the charge of bribery and corruption on the late treasurer, had traced the annual payment of numerous sums under the denomination of the king's bounty, and of secret service money, to several members of the late parliament. The intermediate agents were Bertie, an officer in the excise, and Fox, treasurer of the navy. The first refused to answer the committee without the royal permission; the second, a member of the house, was ordered to proceed to Whitehall in the custody of three of his colleagues, and to bring back to the house his books, notes, and acquittances. But the king did not sit tamely down under the insult; they had come to search his palace without his permission, and the lord chamberlain by his order commanded them in courteous but peremptory language to withdraw without the expected prize. On their return, a list of the members of the last parliament was put into the hands of Fox; he was asked to which of those persons he had ever paid any sum of money, and he named seven-and-twenty individuals, many of whom immediately rose, and declared that their pensions had been granted to them in exchange for offices or beneficial interests which they had resigned to the king. The house resumed the subject the next morning, and, having ordered the attendance of witnesses, adjourned the debate for three days.[1]

Enough had occurred to convince the king that concession served only to inflame the hopes and embolden the efforts of Shaftesbury and his adherents. He already thought of a prorogation to prevent the prosecution of this new inquiry, when he received advice that an address of thanks to the Commons was circulated for signature in the city, and that a remonstrance of a most inflammatory tendency was already prepared in one of the committees. His resolution was instantly formed; that the document might not be made public, he concealed his purpose from the council; and, sending unexpectedly for the Commons, prorogued the parliament for the term of ten weeks. It was a sudden and unforeseen stroke to the popular party. At first they stood mute with astonishment; in a few minutes they gave vent to their indignation, and Shaftesbury declared, before he left the house, that the advisers of the measure should pay for their presumption with their heads.[2]

There remains, however, to be noticed, what has since proved the most important event of this session. The writ of *habeas corpus* had been provided by the common law as a remedy against illegal imprisonment; but the benefits which it promised were gradually impaired and reduced by the ingenuity of lawyers and the oppression of men in power. The judges assumed the right of granting or refusing the writ at discretion; the sheriffs and keepers invented pretexts to elude obedience; and the privy council hesitated not to send an obnoxious individual into some of the king's foreign dominions, and consequently beyond the jurisdiction of the courts. These abuses had been frequently exposed and lamented; and in almost every session of parliament, after the administration of Lord Clarendon, attempts to remove them had been made; but bill after bill was lost, frequently by the marked opposition of the court, frequently in consequence of dissensions between the houses, and of successive proroga-

[1] C. Journ. May 23, 24. Parl. Hist. iv. 1136—1148.

[2] L. Journ. xiii. 595. Temple, ii. 504. Reresby, 90.

tions. If it passed in the last session, it is chiefly to the exertions of Shaftesbury that we are indebted for the benefit; a benefit so indispensable for the security of personal liberty, that it may be thought to atone for much that was unjust and disgraceful in the career of that celebrated statesman. Its success depended on the result of a conference between the two houses; they fortunately agreed; and the king, who waited the return of the managers, gave the royal assent to the bill immediately before the prorogation. It made the granting of the writ, and the acceptance of bail for offences bailable by law, imperative on the chancellor and the judges even during the time of vacation; it took away all pretexts of disobedience on the part of officers holding persons in custody; it provided for the speedy trial or discharge of prisoners committed for felony or treason; and it abolished the practice of sending persons out of the country, and consequently out of the jurisdiction of the courts, by making such expatriation an offence subject to the most rigorous penalties, and rendering the offender incapable of receiving pardon from the sovereign. Still (so powerful was the influence of prejudice) care was taken to exclude all persons imprisoned in consequence of the plot from the benefit of the act, by limiting its operation to such commitments as should take place after the first day of the month of June.[1]

But from England our attention is now called to Scotland, which was still the theatre of civil and religious dissension. The Covenanters, particularly in the western counties, continued to defy the authority of the law; their obstinacy, partly through motives of interest, partly through attachment to the kirk, was countenanced and supported by the lords who professed themselves enemies to Lauderdale; and the resistance of the people provoked the government to acts of vigour, which, if all that is related of them be true, betrayed an equal disregard both of the rights of the subject and the claims of humanity. Yet the historian who seeks to review these transactions with impartiality will generally find himself at a loss to determine what he ought to believe and what to reject. On the one hand, the accusers are personal enemies, or men actuated by the wildest and most implacable fanaticism; on the other, the trial of Mitchell disclosed, on the part of Lauderdale and his associates, a scene of prevarication and depravity which inclines the mind to give credit to whatever may be alleged to their prejudice. Mitchell, the reader will recollect, was the man who made the attempt on the life of Archbishop Sharp. For some years he wandered through Holland and England; at length he returned to Edinburgh, married, and rented a small shop underneath the very lodging of that prelate. It happened one day that the eyes of Sharp met those of Mitchell; he thought that he recognised the features of the assassin; the object of his suspicion was apprehended, and on the person of the prisoner were found a small sword, and a pistol loaded with three bullets. At first he denied the charge; but having, in a private conference, received from Rothes, the chancellor, a promise of life, he repeatedly acknowledged his guilt in presence of the council. When, however, he understood that it was still intended to punish him with the amputation of his hand and imprisonment for life, he revoked his confession; and the council in return, by an act entered in their

[1] Parl. Hist. iv. 661, 1148. Stat. 31 Car. II. c. 2. By the 56 of Geo. III. this act has been considerably improved.

register, revoked their promise.[1] The lord advocate accordingly indicted the prisoner; but whether it was that he distrusted the force of his proofs, or that he yielded to the desire of Sharp, who refused to prosecute unto death, he deserted the diet, and Mitchell remained three years a prisoner in the Bass. In 1677 he was again summoned before the council, interrogated as to his participation in the rising on the Pentland Hills, and subjected to the torture of one leg in the boot.[2] He persisted in his refusal to answer, and was again remanded. But the archbishop had to fear for his life from the fanaticism of others as well as of Mitchell. There were many who believed that they had a clear call from God to execute the justice of the Lord on the traitor, who for so many years had wrung his hands in the blood of the saints; "the Judas who sold the kirk of Christ for an annual rent of fifty thousand marks."[3] It was probably to intimidate such religionists that the council ordered the advocate-general to prosecute Mitchell for his original offence of attempting the life of the archbishop. By the court of Justiciary two questions were previously decided, that a confession before the council could not be withdrawn, because it was not extrajudicial, and that if any promise were made to induce the accused to confess, that promise must be fulfilled, because the benefit of the contract was not to be taken without payment of the consideration. The jury found, on his confession, that he was guilty of the offence, and on the testimony of Lauderdale, the archbishop, the lord chancellor, and Hatton, that no assurance of life had been given. Mitchell received judgment, and died, justifying the attempt for which he suffered, from the command of Moses to put to death the false prophet, who should turn the people from the worship of the Lord God.[4]

This execution, instead of diffusing a salutary terror, acted as a stimulus to revenge. It taught the people to look on the four lords who gave evidence on the trial, not only as persecutors, but as false witnesses, who had not hesitated to perjure themselves, that they might shed the blood of their victim. It is, indeed, impossible to doubt that a promise of life had been given. It was asserted by the sufferer with his last breath; it was recorded by Lord Hatton in his private and confidential correspondence; it stood enregistered among the acts of the council; and yet the four lords positively swore that they knew nothing of any promise, or of any warrant for such promise. Did they by subtle and unmeaning evasions seek to silence their own consciences, and impose on the good faith of the assize? Even on this hypothesis their conduct will deserve the execration of every honest man.[5]

The boldness assumed by the Covenanters in the west, and the success with which they had resisted every

[1] "He did altogether refuse to adhere to his said confessions, notwithstanding he was told.....that if he would adhere, he should have the benefit of the said assurance, and if otherways, he should lose the same. Therefore the lords commissioners .....do declare that they are free, and that the said Mr. James ought not to have the benefit of any such promise or assurance."—Act of Council, in State Trials, vi. 1259.

[2] The torture of the boot is thus described in two original letters in my possession. Sunt ocreæ hæ equulei genus crudelissimum, quo tibiæ hominis qui torquetur, arctissime restringuuntur, quoadusque ad sanguinis et medullæ effusionem. 30 Jul. 1611——Crucifragiorum tortura, qua, ossibus confractis, medullam a planta pedis exprimunt. 13 Jan. 1615.

[3] Russell, at the end of Kirkton, 415.

[4] State Trials, vi. 1207, 1262. Fountainhall, note to Kirkton, 384, 387. Wodrow, 375, 512, 514, 519; App. 195, 204. Ellis, Orig. Letters, series ii. vol. iv. 49, 55. Burnet, ii. 125, 132.

[5] See State Trials, vi. 1258, 1263; Burnet, ii. 299, note.

attempt to suppress their meetings, provoked the council to adopt the most powerful means of reducing them to obedience. A committee of eleven persons was appointed to proceed to the refractory districts, accompanied by two thousand men partly regulars and partly militia; there they were joined by six thousand Highlanders under their respective chieftains; and, to be ready in case of rebellion, an English force was drawn towards the borders, and an Irish force was stationed opposite the western coast of Scotland. The commissioners called before them and punished delinquents, apprehended suspected persons, disarmed all the inhabitants but noblemen, gentlemen of quality, and officers in the service of the crown, and summoned the heritors and feuars to subscribe bonds of conformity for themselves and their families. Multitudes, however, refused to obey; their contumacy was punished by an act of council requiring the recusants to give lawburrows, or legal security for keeping the peace; and, with a view to enforce submission, the troops were permitted to live at free quarters, fines were imposed, property was distrained, and judgments of outlawry were published. The fierce and predatory habits of the Highlanders had always been subjects of terror to the more civilized natives of the lowlands; but these formidable auxiliaries were soon dismissed; and in their place a permanent force of militia was distributed in numerous small garrisons through the disaffected counties. For its support a convention of estates granted an aid of thirty thousand pounds sterling for three years, to be levied by monthly assessments, after the plan originally introduced under the commonwealth; and Lauderdale, having obtained the approbation of the king, exhorted the council to persevere in their exertions, and to subdue by force those whom they could not allure by conciliation.[1]

The men of Fife on the eastern coast did not yield to their western brethren in attachment to the covenant; neither did they suffer less for their contumacy from the severity of the council. Among them was James Russell of Kettle, whose fanaticism had been inflamed by persecution, till he mistook the cravings of revenge for the "outlettings of the spirit." During a fortnight he spent much of his time in prayer; he felt that he was destined to render some extraordinary service to God; and he renewed his former engagements against papists and prelatists, and all other enemies of Christ. Under the influence of these feelings he sought the company of similar enthusiasts: consultations were held to prevent the extinction of the gospel; and it was declared a duty to put to death their chief adversaries, the archbishop of St. Andrew's,[2] and Carmichael, commissioner from the council, and commander of the forces. With this view nine of the brethren, having Hackstone of Rathillet for their leader, undertook to surprise the latter while he was enjoying his favourite amusement of hunting; but a friendly voice admonished him of his danger, and by a timely flight he escaped from the field to his garrison in Cupar.[2] The saints were employed

[1] Kirkton, 385—393. Wodrow, 460, 463, 466, 467, 528; App. 174, 208. Burnet, ii. 134. It is remarked by the editor of Kirkton, that, notwitstanding all the complaints made of the conduct of the Highlanders, not one Whig lost his life by them.—Kirkton, 391. The only blood spilt was spilt by the Covenanters.

[2] It is deponed also that at parting, when one of them "kissed Rob. Black's wife" (the meeting was in their house), "she prayed that God might bless and prosper them, and added these words: If Long Leslie" (the minister at Ceres) "be with him, lay him on the green also; to which the ruffian answered, holding up his hand, There is the hand that shall do it."—Russ. 413, note.

in lamenting the disappointment, when a boy, pointing to a carriage with six horses at a distance, cried out, "There goes the bishop!" "Truly," they exclaimed, "this is of God; the Lord has delivered the wretch into our hands; we must not go backwards, but execute the justice of God." "Gentlemen," said Rathillet, "I am ready to venture all that I have for the interest of Christ; but I will not lead you to this action; for I am the personal enemy of the bishop, and shall be accused of seeking revenge; but I will not prevent you from obeying the call of God, neither will I leave your company." "Then, sirs, follow me," exclaimed John Balfour, a most desperate and barbarous enthusiast; and instantly mounting their horses, they crossed Magus-muir, in pursuit of their victim.[1]

Their approach was soon announced to the prelate, who, turning to his daughter Isabel, his only companion, said, "The Lord have mercy on me, my dear child, for I am gone." The coachman lashed his horses to their utmost speed; but the ruffians overtook them, discharged their pistols into the carriage, wounded the postilion, and cut the traces. Sharp had received but a slight injury from the shot; and Russell at the door cried to him, "Judas, come forth." A short parley ensued. The prelate declared that he had wronged no man; he offered them money, and promised them a pardon: they replied, that they bore him no private malice, but God had imposed on them a duty which they dared not transgress; his time was come; he must make himself ready for death, judgment, and eternity. His daughter alighted with him; both fell on their knees, and the archbishop most piteously begged for mercy, if not for himself, at least for his poor child. Gillon, one of the number, but the meanest among them, was moved with pity: he cried, "Spare those gray hairs," and solicited, but in vain, the interposition of Rathillet, who stood near, muffled in his cloak. Isabel was in no danger except from her efforts to save her father: the prelate offered his hand to one of the ruffians, who with a blow of his sword nearly severed it from the arm; and Balfour aimed a stroke at his head, which, though partly broken by the hat, inflicted a severe wound along the cheek. He fell on his face, and lay apparently dead; but, his daughter incautiously remarking that life was in him still, the words caught the ears of Russell, who was employed in rifling the carriage. The assassin immediately returned to the body, hacked the scull into fragments, and ordered the servants to take away their priest, and convey him to his home.[2] It might have been expected that the perpetrators of the bloody deed would flee from the vengeance of the law; but they only withdrew to a neighbouring cottage, where they devoted several hours to prayer, first in common, and afterwards separately, and in private. They felt no fear, no compunction; their minds were composed, their hearts enlarged; they blessed their God, that his holy Spirit had led them step by step to the accomplishment of this glorious work, and solicited his grace and strength, that they might, if it were necessary, seal its truth with their blood, as

[1] See Russell's own account at the end of Kirkton, 403—416.

[2] See the several accounts of this murder by authority, by the actors, by Russell, and by the archbishop's brother, in Wodrow, ii. 28, 29, 30, 31, App. 8: Russell, 416, and 419—422, note, 483; Ralph, 458, note. "One of these hellish rascals cut my sister in the thumb, when she had him by the bridle, begging her father's life."—Letter from William Sharp, May 10.

became valiant soldiers of Christ. Nor were their prayers poured forth in vain: Danziel heard a supernatural voice saying, "Well done, good and faithful servants!" and from that moment till the hour of his death (it happened in the course of the month) the soul of the enthusiast was rapt in a transport of joy.[1]

To discover the assassins the council offered the most tempting rewards, and compelled all the inhabitants of Fife to appear on stated days, and clear themselves before their respective presbyteries. But the men whom they sought had wound their way by a circuitous route into the west, and at Glasgow their leaders met Hamilton, Cargill, and Spreul. The two last were ministers of the most rigid notions and most daring fanaticism; Hamilton was a young man of family, who had repeatedly exhorted his brethren to draw the sword in support of the gospel of Christ. According to appointment, on the 29th of May, the anniversary of the king's restoration, they entered, to the number of sixty men in arms and on horseback, the little burgh of Rutherglen, and extinguished the bonfires kindled in honour of the day. A sermon and prayer followed; the several acts of parliament subversive of the liberties of the kirk were read by Hamilton, and committed with much solemnity to the flames; and the copy of a declaration or testimony against them was left affixed to the cross in the market-place.[2]

On the following Sunday they held a field conventicle at Harlaw, but the exercises of the day were interrupted by the approach of the celebrated Graham of Claverhouse, with three troops of cavalry. The Covenanters hastened to meet him at Drumclog, where a narrow slip of swampy ground divided the two parties. The dragoons, in their attempt to pass, fell into confusion; their opponents charged them with halberts and pitchforks; and Graham was compelled to make a precipitate retreat upon Glasgow. Of the military, thirty men perished in the action, besides one, a prisoner, slain in cold blood by order of Hamilton, who had forbidden his followers to ask, or to give quarter. The conquerors lamented the loss of six of their brethren, but of no one with more sincere regret than of Danziel, the murderer, who cheered his last moments with the assured hope of an everlasting word.[3]

At Rutherglen the fanatics had thrown down the gauntlet of defiance; at Drumclog they had won the laurels of victory. By most men it was believed that the conflagration would rapidly spread to every quarter of the western counties. But no plan of operations had been arranged, and the leaders despised the counsels of worldly wisdom. God had called on them for their testimony against the enemies of the kirk. They had given it, and cheerfully left the consequences to Him, who was able to save with a few as well as with many. Though the council, uncertain of the extent of the danger, had withdrawn the military towards Edinburgh, the insurgents moved not to any distance from Glasgow. Volunteers, indeed, continued to arrive, for many thought it a sin to remain idle at home, while their brethren ventured their lives in the field; but the accession of numbers added only to their weakness;

[1] I repeat almost the very words of Russell himself, 422, 426.

[2] Wodrow, ii. 44. Russell, 437, 439.

[3] Wodrow, ii. 46. Russell, 441—446. "Russell speired and said, Dear brother Will, ye many times told me ye was sure enough of heaven; have ye any doubts now? He scarcely could speak, but said, No doubts, but fully assured—fully assured."—Ibid. 545.

the new comers differed in religious opinion from the victors at Drumclog; the time, instead of being devoted to preparations for the approaching contest, was consumed in useless but irritating controversy; and both ministers and leaders spent day after day in discussing the obligations of the covenant, the lawfulness of the indulgence, and the grounds on which it was proper to rest the justice of their cause. Never was insurrection so rashly commenced, or so weakly conducted.[1]

In the mean while the duke of Monmouth, after many objections made in council, arrived from London to take the command of the royal forces, and encamped with five thousand men on Bothwell-muir, within two miles of the enemy. An attempt to negotiate was made by the more moderate among the Covenanters. Hamilton would consent to no message unless its objects were "to represent to the duke the king's, his own, and his associates' rebellion against God, and to desire him to lay down the weapons which he had taken up against the Lord and his people;" but a less offensive petition was composed by Welsh, the minister, and presented by Hume and Murdoch, who received for answer that no proposals could be accepted from rebels in arms; if they would submit, they might expect mercy; but that one half-hour only would be allowed for their final determination.

It seems to have been the object of Monmouth to spare the insurgents, whether he had received such instructions from the king or followed the advice of his political friends, who certainly at a later period, perhaps even now, looked for aid from the discontented in Scotland. He refused to pass the Clyde by the ford at the foot of the Aven, where no guards had been placed, and whence he might have charged the enemy in the rear; nor did he attempt to cross by Bothwell bridge, till some hours after its defence had been abandoned by Rathillet, through want, as it is said, of ammunition. The Covenanters, drawn up on a neighbouring eminence, still continued to consume their time in theological controversy, but a discharge of cannon, which killed fifteen men, warned them of their danger; instantly they turned their backs to flee; above four hundred fell during the pursuit, and twelve hundred yielded themselves prisoners of war, of whom, those who promised to live peaceably were set at liberty; the others, about two hundred and seventy, were transported as slaves across the Atlantic. Rathillet with the men of Fife returned to their own country, whence after many perilous adventures most of them escaped by sea to Holland.[2]

In England the fanaticism and adventures of the Scottish insurgents excited but little sensation. The attention of the public was absorbed by subjects of more immediate and commanding interest, the investigation of the pretended plot and the punishment of the supposed conspirators. By order of the council, the two Jesuits, Whitbread and Fenwick, who on their former trial had been illegally remanded to prison, were placed at the bar with three others, Harcourt, Gavan, and Turner; and against them was marshalled a host of formidable witnesses, Oates, Bedloe, Prance, and Dugdale, once steward to Lord Aston, and now, on his dismissal from the service of that nobleman, a subordinate informer. Oates, indeed,

[1] Russell, 448, 453—456.

[2] Russell, 465—482. Wodrow, ii. 62—67. Sydney's Letters, 95—99. The "Exact Relation published by authority" differs in several particulars from the preceding authorities. See also "A History of the Rencounter at Drumclog," &c. by W. Aitou, 1821.

could only repeat with a few embellishments his former story; but Bedloe felt himself at liberty to make additional disclosures; better cheer and more indulgent treatment had wonderfully improved the memory of Prance; and the situation which Dugdale held in the family of Lord Aston was supposed to have supplied him with much secret and valuable information. The prisoners rested their defence chiefly on the utter worthlessness of their accusers, particularly of Bedloe and Oates. 1. Against the first they urged that, according to his own showing, he must have perjured himself on Whitbread's former trial; nor did he attempt to deny the charge, but pleaded in excuse that his prevarication at the time was necessary for the success of his intrigue with Reading; and this plea, as far as appears from the printed copy of the proceedings, was admitted as satisfactory by the court and jury. 2. They met the testimony of Oates by pointing out its variance in several points from his former depositions before the council, the two houses of parliament, and at the preceding trials in the court of King's Bench; but the judges answered that they had not those depositions before them; the prisoners might have indicted him for perjury; and if they had omitted to do so, must abide by the consequences of such omission. 3. In answer to his assertion, that on the 24th of April he had waited on the accused at their reasonable consult in London, they produced sixteen young men who deposed that they dined on that day in the same room with him at St. Omer, and that during the four preceding and the two following months he was never more than twenty-four hours absent from the college. To rebut this powerful attack on his veracity, Oates had provided six witnesses to swear that in the month of May they had at different times seen him in London, or some one like, or who bore his name;[1] and it was argued that in judging of contradictoy evidence, more credit was due to men who were Protestants, who spoke upon oath, and who were bound to deliver the truth, than to papists, unsworn, and accustomed, so it was pretended, to obtain dispensations for the utterance of falsehood. 4. Again, he had given the names of three persons, in whose company he crossed the sea to come to England. Of these, one deposed in open court that he never saw Oates during the voyage, and the servants of the other two that their respective masters had not on any occasion in the months of April and May been a day absent from their places of abode on the continent. But the minds of men were still too highly excited to give due weight to such testimony: the voice of reason and innocence was stifled by passion and prejudice; the chief justice delivered his charge with his usual partiality, and the jury without hesitation returned a verdict of guilty.[2]

The next evening the place of these unfortunate men was occupied by Langhorne, the celebrated Catholic lawyer. His case presented an instance of extraordinary hardship. He had been committed to Newgate without any previous examination before a magistrate or the council; and, until the week preceding his trial, had been kept in solitary confinement and in complete ignorance of every passing event; yet he was now called upon to plead for his life without any other knowledge of the facts to be charged against him in evidence than what he could hastily collect from the printed narratives and

[1] On the credibility of these six witnesses, see North, 239, 240; and State Trials, x. 1189.

[2] State Trials, vii. 311—418. Burnet, ii. 216.

the reports of his friends. The moment he appeared, the crowd received him with hooting and hisses; his witnesses were abused, beaten, and intimidated; his objections to the credibility of the informers, and his remarks on the inconsistency of their evidence, were overruled by the court; and when the foreman of the jury pronounced the verdict of guilty, it was received by the audience with loud and repeated cheers. The other five were then ranged at the side of Langhorne; Jeffreys, the recorder, pronounced on them judgment of death, and the hall resounded a second time with the acclamations of the spectators.[1]

The Jesuits were the first who suffered. They were already tied to the gallows, and expected each moment to be launched into eternity, when their attention was awakened by cries of "A pardon, a pardon." A horseman rode up at full speed, and delivered to the sheriff a paper which proved to be a pardon on condition that "they should acknowledge the conspiracy, and lay open what they knew thereof." With thanks to the king they replied, that it was not in their power to fulfil the condition, because they could not disclose that of which they possessed no knowledge. The piety which they displayed, and the composure with which they resigned themselves to their fate, gave additional weight to this their last declaration.[2]

Other arts were employed to shake the constancy of Langhorne. He received an offer of pardon, first, if he would confess himself guilty, and then, if he would make a discovery of the property of the Jesuits, with which he had become acquainted in his professional capacity. To the last proposal he assented; his books were restored to him; and from them he extracted a statement, which was forwarded to the king. It is probable that the amount, a sum between twenty and thirty thousand pounds, fell short of expectation. In a personal interview, Shaftesbury informed him that this discovery was not thought of sufficient importance to redeem his life; he must in addition disclose the particulars of the plot, and in return for that disclosure he should receive any reward which he might ask. The honesty of Langhorne withstood the temptation, and he suffered the punishment of a traitor, asserting like the others his total ignorance of the conspiracy.[3]

Still the thirst for blood was not satisfied; and four other prisoners, Sir George Wakeman, the queen's physician, and Corker, Marshall, and Rumby, Benedictine monks, received

[1] State Trials, vii. 417—490. Burnet, ii. 218. In the Life of Lord Guildford we are told in defence of the judges, "that the prejudice was so universal and so strong that, if an apostle had spoken against it, no impression would have taken place, nor had it done the prisoners any service; but on the other side not only the rabble, but even the parliament itself, had flounced at it; which consideration turned the scales of their discretion, and made those judges let a vessel drive which they could not stop, and reserve themselves for fairer opportunities. Again, they said that not they but the jury were judges of the fact, and therefore they allowed Scroggs to do as he pleased." (Vol. i. 327.) The falsehood of these pretences was proved by the next trial. Scroggs behaved with moderation, and the accused were acquitted.

[2] State Trials, 420—451. Burnet, ii. 217. Challoner, ii. 404. Three other Jesuits, Mico, Nevil, and Bedingfield, died in prison; a fourth, Jenison, perished in consequence of the injury which he received from the violence of the pursuivants.

[3] State Trials, vii. 501—530. Burnet, ii. 218. Oates and Bedloe afterwards charged the chief justice Scroggs before the council with having said at the assizes at Monmouth "that he did believe in his conscience that Richard Langhorne, whom he condemned, died wrongfully, to the great disparagement," &c. Scroggs replied, that he was more unsatisfied about Mr. Langhorne's case than all the rest, the more so that he was credibly informed that part of Bedloe's evidence, about Langhorne's writing in his presence, could not possibly be true.—State Trials, viii. 172, 173.

notice of trial. They came, however, to the bar under more favourable circumstances than those who had preceded them. The testimony of the witnesses from St. Omer, and the protestations of the victims who had suffered, had shaken the credit of the plot; and even the chief justice himself had at last resolved to act the part of an indifferent judge. To the statement of the informers they opposed so many objections, drawn partly from the improbability of the information itself, partly from the contradictions with which it teemed, that both Oates and Bedloe, from being accusers, were reduced to the necessity of defending themselves from the imputation of perjury. The chief burthen lay upon the former, who displayed considerable ingenuity in the manner of qualifying his evidence, so as to elude the objections of his adversaries. Though his vexation occasionally betrayed itself in passionate and irreverent expressions, he maintained the contest without flinching, and in a tone of conscious superiority, till he was unexpectedly confronted with Sir Philip Lloyd, clerk of the council, who deposed that, when the lord chancellor asked Oates if he knew anything personally of Sir George Wakeman, he raised his hands to heaven, and protested before God that he did not; and yet that very morning he had charged him with several overt acts of treason, committed, as he said, in his own presence. This was a blow which he could not parry; feigning indisposition, he asked leave to withdraw, and the jury acquitted all the prisoners.[1]

To the patrons of the plot, who were preparing for the trial of the lords in the Tower, such a result was as embarrassing as it had been unexpected. It became necessary not only to support the credit of the informers, but also to prevent the persons acquitted of coming forward to convict them of perjury. To effect the first of these objects, the chief justice was charged with manifest partiality in favour of the prisoners, and reports were circulated that he had received a valuable bribe from their friends; the second was accomplished by inducing Wakeman, through the menace of a second prosecution, to withdraw beyond the sea, and by committing the three monks to Newgate under a new charge of high treason, for having received orders in the church of Rome.[2]

But the men accused of a participation in the plot were not the only victims sacrificed to the delusion of the people. It seemed as if there existed a design of wholly extirpating the Catholic religion. Rewards were offered by proclamation of ten pounds for the discovery of any papist or reputed papist within any one of the royal residences, of fifty pounds for the discovery of money or lands belonging to any priest, chapel, college, or religious order, and of one hundred pounds for the discovery of any priest or Jesuit; the magistrates received authority to visit and search the palace of St. James's at any time, and that of Somerset House, whenever the queen should be absent; the judges were empowered to reward at their discretion the prosecutors of popish recusants out of the forfeitures of the sufferers, and lists of the Catholics or suspected Catholics in each county, which had previously been furnished to the committee of the house of Commons, were delivered to commissioners, with orders to tender to all such persons the oaths of alle-

[1] State Trials, vii. 691—697.

[2] State Trials, vii. 702. North, 185. Oates and Bedloe declared that they would never more give evidence in any court in which Scrogge presided, and exhibited articles against him before the council.—Echard, 988. The articles are in State Trials, viii. 163—174.

giance and supremacy. Their zeal and cupidity were stimulated by rewards, and the time of the judges during the circuit was chiefly employed in the prosecution of Catholic priests or recusants. The latter paid the fine of twenty pounds per month for absence from church, or forfeited two-thirds of their estates to the king; of the former, twenty-four received sentence of death for the exercise of their functions. Most of them after condemnation were sent to London to undergo the ordeal of a private examination before Shaftesbury, and his assistants Oates, Bedloe, and Dugdale. But their innocence was proof against the influence of threats and promises. Not one admitted any knowledge of the supposed conspiracy; not one could be seduced to lend his aid to the informers. The house of Commons grew impatient under the delay; several of the members called aloud for their blood; and an address was presented to the king soliciting their immediate execution. The council remanded them to their former prisons; and having granted reprieves to some, abandoned the remainder to their fate. Pleasington suffered at Chester, Evans and Lloyd at Cardiff, Lewis at Usk, Postgate at York, Mahony at Ruthin, Johnson at Worcester, and Kemble at Hereford. Of these, two had passed their eightieth year.[1]

In the council the ambition of the popular leaders had divided them into opposite parties. On one side Shaftesbury, though aware of the king's aversion, still cherished the hope of acquiring the ascendancy through the influence of his disciple the duke of Monmouth, who had returned from his Scottish expedition, proud of his success against the insurgents, and of the title of highness with which he was addressed by his flatterers. On the other, Essex and Halifax won the royal favour by artfully opposing the manœuvres of Shaftesbury; who attributed the last prorogation to their advice; an offence for which he threatened them with the vengeance of parliament in the next session. At first they sought to mollify his resentment by admitting him and Monmouth to their secret meetings; but there was no trusting to his friendship, and they knew that his power in the house of Commons was irresistible. They consulted Sunderland and Temple, and it was resolved to suggest the expediency of a dissolution. The advice met with the approbation of the king, who was well acquainted with Shaftesbury's intrigues, and with his intention of bringing forward new charges against the queen and the duke of York.[2] For the sake of form, the question was proposed in the council; but by some mismanagement the "king's friends" had not been apprized of the royal wish, and a decided majority had already pronounced against the measure, when Charles, taking ad-

[1] C. Journ. April 27, May 22. L. Journ. xiii. 587. State Trials, vii. 715, 726, 740, 811. Kennet, 380, 381, 391. Challoner, ii. 411—449. James, i. 560. "I thought the execution of the priests wholly unjust, without giving them public warning by proclamation to be gone, or to expect the penalties of the law within such a time, since the connivance had lasted now through three kings' reigns: upon this point Lord Fairfax and I had so sharp a debate that he told me, if I would not concur in points which were so necessary for the people's satisfaction, he would tell everybody I was a papist; affirming that the plot must be handled as if it were true, whether it was so or no."—Temple, ii. 506.

[2] Monmouth's cook had made oath that he heard a person desire Antonio, servant to the queen's confessor, to take care of the four Irishmen, who were to do the business. Antonio was accordingly committed for high treason. Moreover, a Venetian merchant asserted that Sir Henry Tichbourne owned to him, that the object of his journey to Rome was to prosecute, by order of the duke, the design mentioned in the letters of Cardinal Howard.—James (Memoirs), i. 561.

vantage of an expression dropped by Temple, suddenly turned to the chancellor, and ordered him to prepare a proclamation for the dissolution of the present and the calling of another parliament. This act of vigour struck his adherents with surprise; it threw the lords Shaftesbury and Russell into a paroxysm of "rage."[1]

In the mean while the duke of York bore with impatience his exile at Brussels. His dearest interests were at stake; and yet, instead of being on the spot to oppose the intrigues of his enemies, he was detained in a foreign land, and compelled to trust to the promises of a brother, whose easy wavering disposition had so frequently yielded to the united and reiterated efforts of his opponents. It was true that Essex and Halifax, the most influential of the royal advisers, professed themselves his friends; but their conversion was very recent, and they were friends only after a certain fashion; that is, as far as might suit their personal interests. They exhorted the king to maintain the duke's right to the succession, because they knew that the success of Monmouth would infallibly lead to their own disgrace; but they sought to avoid the appearance of advocating the duke's cause, because they feared to share with him the dislike of the people. On every favourable occasion, at the prorogation, on the acquittal of Wakeman, at the dissolution of parliament, James renewed his solicitations for leave to return; but he received invariably the same answer, that the time was not yet come; that his presence would probably lead to insurrection; that he must wait till the public excitement, raised by the plot, had subsided. "Indeed," said Charles in one of his letters, "I should be very unwilling to have a question brought upon the stage, whether or no you should be secured, and you at the same time present, considering how easy it is to have false witnesses, till Oates and Bedloe have their due."[2]

It chanced, however, that in August the king was confined to his bed by a violent fever. Monmouth was then at court in the zenith of his popularity; he held the office of commander-in-chief; and he had the face to solicit from the sick monarch an order for the duke of York not to remove from Brussels. His object under these circumstances could not be misunderstood. Essex and Halifax met Sunderland, Hyde, and Godolphin at the lodgings of the duchess of Portsmouth; and Charles by their advice despatched a message to James to return to England, but on condition that he should come on his own responsibility, and should go back to Brussels after the king's recovery. The duke lost not a moment; he travelled under a feigned name, reached Windsor in disguise, and was the first to announce his arrival to his brother. Charles, who was now in a state of convalescence, received him most affectionately, and the courtiers crowded round to offer their congratulations. Monmouth alone appeared awkward and embarrassed. On the suggestion of Shaftesbury, he rejected the proposal of a reconciliation with his uncle, and occasionally dropped menaces of vengeance against those counsellors who had advised the recall of the duke. By them, to save their popularity, it had been determined that James should immediately go back to Brussels; but at the same time the threats of Monmouth induced them to think of securing themselves from his resentment. For this purpose they called the attention of the king to the hard case of his

[1] Temple, ii. 509—512.

[2] James (Mem.), i. 556, 557, 559, 561, 562.

brother, the presumptive heir to the crown, compelled to live in banishment without office or influence, while his intended competitor, who had no other claim than the interest of a factious party, resided in the capital, held the command of the army, and was always ready to seize, as opportunity might offer, the object of his ambition. Charles acknowledged the justice of the suggestion; and, sending for Monmouth, told him that circumstances required him to resign his office of lord general, and to withdraw for a season to the continent. The young man betrayed in his answer a pettishness of disposition, and a feeling of disrespect, which offended the pride, though it did not extinguish the affection, of his father; but in the evening he met Shaftesbury, Montague, and the leaders of his party, who advised him to obey; for his banishment would raise him to the dignity of a martyr in the eyes of the people, and the parliament would not fail to demand justice for a prince, whose only crime was his attachment to the religion and liberties of his country.[1] With reluctance he yielded to their authority, and repaired to Holland, where he was coldly received by the prince of Orange, whose claim to the crown in the event of the exclusion of James, taught him to look upon Monmouth in the light of a rival. After dinner they walked together in the garden. Monmouth showed the prince a letter from the king promising that the time of his exile should be short, attributed his disgrace not to the jealousy of the duke of York, but to the arts of the duchess of Portsmouth, and of Essex, Halifax, and Sunderland, and solemnly declared, that he never had cherished, never would cherish, a thought of aspiring to the crown. They parted with mutual protestations of friendship, to which it is probable that neither gave the smallest credit.[2]

It was evident that considerable inconvenience might arise if, at the king's death, the heir to the crown were resident in a foreign country and under the control of a foreign prince. This was represented with so much force by Secretary Coventry, that the duke received permission to exchange the place of his exile for the capital of Scotland. He returned to Brussels for the ostensible purpose of conducting his wife and family to Edinburgh, and his intention of residing in that country was announced by authority in the Gazette; but instead of sailing from Holland to Leith, he anchored in the Downs, and requested permission of his brother to remain in England. He had been secretly informed that Charles had no objection; but Essex and Halifax were inexorable; instead of the answer which he expected, he received an invitation to court, and after a short visit proceeded on his voyage. At Edinburgh he was received with the respect due to his rank, and took his place in the council, but carefully abstained from all connexion with either of the parties which divided that kingdom.[3]

It had been ascertained that the general result of the elections was unfavourable to the court; and Shaftesbury waited anxiously for the meeting of the new parliament, in which he promised himself an easy victory over his political opponents. But it was equally the interest of the king and the two confidential ministers to defeat his designs.[4] To deprive him of the means of annoyance which he derived

[1] James (Memoirs), i. 566, 570. Temple, ii. 513, 518. Burnet, ii. 232. Dalrymple, 247, 249.

[2] D'Avaux, i. 24, 32, 34.

[3] James (Memoirs), i. 571, 575, 580. Dalrymple, 250. Gazette, 1449.

[4] The name by which he was designated in the correspondence of the royal brothers

from his office of president of the council, he was unexpectedly superseded by Lord Robartes, lately created earl of Radnor; and to extinguish his hopes from the superiority of his party in the lower house, the king in council, without any previous notice, ordered the chancellor to prepare a commission for the prorogation of parliament during the long space of twelve months. At this announcement the members gazed on each other with signs of astonishment; some rose to speak, but Charles commanded silence; he had foreseen and weighed every objection, had taken his resolution, and would be obeyed. No one ventured to remonstrate; and on the very day appointed for the opening of the session, the parliament was prorogued for a few weeks, and afterwards by repeated commissions for a full year.[1]

The real motive of the king, which was unknown to the council, may be discovered in a secret intrigue between him and the French ambassador. A little before the dissolution in July, Charles had applied to that minister for relief from the pecuniary embarrassments with which he saw himself threatened. Louis was, indeed, offended at his past conduct; but he did not allow his resentment to stand in the way of his interests. He accepted the apology of his English brother; he even listened to his proposals; but at the same time affected to set no great value on any services which could then be rendered to him by the English crown. It was to quicken his tardiness that Charles summoned a new parliament when he dissolved the old one. The negotiation then proceeded more rapidly; it was at last agreed that the king should receive from France a pension of one million of livres during three years; and it was under these circumstances that Charles, being no longer at a loss for money, prorogued the parliament. It chanced, however, that the treaty was not yet signed, and Louis grasped at the opportunity to append to it new and more humiliating conditions. The pride of the king revolted; James advised him to substitute in lieu of the French pension a system of the most rigorous economy; and Charles following his counsel, not only rejected the conditions, but refused to listen to Barillon, when he proposed to resume the negotiation.[2]

That minister, in his despatches to his sovereign, affected to make light of the disappointment. He had a party in parliament sufficiently powerful to prevent any grant of money to the king, or any accommodation between the opposition and the government.[3] To secure the fidelity of that party, he was careful to remunerate the services of those who had given him their aid during the last session. The army had been disbanded; the lord treasurer had fallen; they had gained a right to the rewards which had previously been promised. To the duke of Buckingham he paid the sum of one thousand guineas; and another sum of two thousand five hundred guineas he distributed in equal portions among Baber, Sydney, Harbord, Lyttleton, and Powle. Montague demanded one hundred thousand crowns, according to the terms of the contract. The ambassador rejected his claim. Danby was, indeed, in prison; but his trial

was "Little Sincerity," the first of which words alluded to his person, the other to his professions of a virtue for which they gave him no credit. Charles said of him that "he had nurrished a snake in his bosome, that Shaftesbury began to play the devil, and could no longer be suffered."—James (Memoirs), i. 563.

[1] Temple, ii. 521. L. Journals, xiii. 597, 609. Bulstrode, 304. The reason why short prorogations were preferred may be seen in the Life of James (Memoirs), 585, 586.

[2] Dalrymple, 229, 230, 233, 244, 254, 255 James (Memoirs), i. 564.

[3] Barillon, 5 Dec. in Mazure, i. 261.

had not taken place; it remained yet to be seen whether the lord treasurer were ruined or not. Montague, on the other hand, complained of such chicanery; he pretended that, to purchase the votes of those who supported him in the house of Commons, he had mortgaged the larger portion of the money; and at last, by dint of importunity, obtained fifty thousand crowns, one half of his demand.[1]

Henceforth, that the reader may form a distinct notion of the events which occurred between the prorogation in October, 1679, and the meeting of parliament in October, 1680, it will be convenient to arrange them under two heads, of which the first will comprehend the struggles of the two political parties to acquire the ascendancy, the other the discoveries and prosecutions which continued to grow out of that fruitful stock of imposture and injustice, the fictitious narrative of Titus Oates.

I. Shaftesbury and his associates resolved to keep alive the fears and jealousies of the people, and to harass and intimidate the king. 1. On the 17th of November, the anniversary of the accession of Queen Elizabeth, a most extraordinary pageant, calculated to make a deep impression on the minds of the populace, was exhibited at the expense, and under the superintendence, of the Green Ribbon Club. First appeared the bellman walking with slow and solemn pace, and exclaiming at intervals, "Remember Mr. Justice Godfrey;" next came a man dressed in the habit of a Jesuit, bearing on horseback the figure of a dead body; then followed representations of nuns, monks, priests, Catholic bishops in copes and mitres, Protestant bishops in lawn sleeves, six cardinals with their caps, and last of all the pope in a litter, accompanied by his archcounsellor the devil. In this state the procession set out from Moorgate in the dusk of the evening, amidst the glare of several thousand flambeaux; perambulated the city in the presence of two hundred thousand spectators, swearing eternal hatred to the principles of popery, and calling for vengeance on the heads of the papists; and at last halted at Temple-bar in front of the King's Arms tavern. The clubbists instantly appeared at the balconies; fireworks were exhibited; and, at a given signal, the pope and his attendants were precipitated into the flames with a tremendous shout, "the echo of which," it is observed in the official account published by the party, "reached by continued reverberations to Scotland, and France, and Rome itself, damping them all with dreadful astonishment." The effect of the exhibition answered the hopes of its authors; and it was repeated with variations in the two succeeding years; but in 1682 Charles recovered the government of the capital, and put down the nuisance.[2]

2. Within eight days after this pageant the duke of Monmouth returned to England. Shaftesbury had sent for him, under the pretext that the time of his exile was determined by that of the duke of York; James had obtained permission to reside within the king's dominions, Monmouth had a right to the same benefit. He entered London at midnight; but the watch announced his arrival; the bells were rung, and bonfires kindled. Charles

[1] Dalrymple, 252, 255, 314. From Barillon's despatch it appears that Buckingham demanded twenty thousand crowns; that Baber avoit été fort utile en beaucoup d'occasions, et l'avoit averti à tems de ce qui se passoit dans les differentes cabales; qu'il avoit une étroite liaison avec Lyttleton—qu'il avoit conservé une correspondence particuliere avec le sieur Powle, que le sieur Harbord avoit beaucoup agi dans l'affaire du grand Trésorier, et que M. de Sidney avoit été d'une grande utilité en bien des occasions.—Ibid. 256, 257.

[2] See "London's Defiance to Rome;" Ralph, 484; also North, 571, 575; Echard, 985.

resented deeply the disobedience of his son and the manner of his reception. He ordered him to quit the kingdom immediately, under the penalty of perpetual exclusion from the royal presence; he rejected the petitions of the duchess and of her friends; and he deprived Monmouth (but successively, and after short intervals, that he might have time for repentance) of his several offices of captain of the guards, of lord lieutenant of Staffordshire and of the north riding of Yorkshire, of governor of Hull, and of master of the horse. Still the young man set at defiance the displeasure of his father, and pretended to justify his obstinacy under the plea of filial piety. His presence, he said, was necessary. He would either preserve the king's life from the daggers of the papists, or revenge his death if he should fall by their treason.[1]

3. At the same time, to prepare the public mind for the future pretensions of Monmouth, was printed and circulated a most seditious libel, under the title of "an appeal from the country to the city for the preservation of his majesty's person, liberty, property, and religion." The writer called on the citizens to ascend the Monument, to contemplate from its summit the magnificent scene which lay at their feet, and then to imagine that they beheld their houses in flames, their children and neighbours massacred, their wives and daughters violated, and their ministers and teachers tortured by the papists. Let them not be deceived; this imaginary spectacle would be infallibly realized on the succession of a popish monarch. Their present safety could last no longer than the life of the king, who (such was the benevolence of his disposition) gave no credit to the plot, and thus exposed himself to the daggers of the assassins. It was therefore time to prepare for the approaching crisis, to select a man who should lead them against French invaders and popish rebels. That man was the duke of Monmouth, eminently qualified for command by his birth, his conduct, and his courage. Let the citizens stand by him, and he would stand by them. His fortune was united with theirs. Nor should they forget that "the worst title makes the best king," because, what the prince wants in right he must supply by concession.[2]

4. Another expedient suggested by the fertile brain of Shaftesbury, was to petition that the parliament might be permitted to sit at the end of the first short prorogation. With this view the kingdom was parcelled out into districts, to each of which particular agents were assigned. They informed the people that, if the king were permitted to govern without a parliament, the ascendancy of popery, and the establishment of despotism, would inevitably follow; and for the prevention of these evils they solicited subscriptions to the petitions with which they had been furnished from the head committee in London.[3] Some of the grand juries set the example; the common council followed; and most of the counties and populous towns hastened to tread in the footsteps of the capital. The king at first

[1] James, i. 578, 582. Evelyn, iii. 20. Bulstrode, 310. Kennet, 378.

[2] State Tracts in the reign of Charles II., vol. ii. 491. Parl. Hist. iv. App. xcv.

[3] From North's account, it appears that the art of getting up petitions arrived at perfection in its very infancy. The agents traversed the districts allotted to them, procuring the signatures of those who could write, and "the hieroglyphics of clowns;" adding in many cases the names of the absent, or of persons not in existence. When the petitions had been returned to the committee in London, the "beadrolls were cut off, and glued in succession to each other," and the whole collection attached to one form of petition similar to that which had been sent into the country.—North, 342.

returned for answer, that it was *his* province, and not that of the petitioners, to judge of the proper time for the sitting of parliament; but his patience was gradually exhausted, and his alarm daily excited. He sought in vain to escape from the approach of the petitioners—they waylaid him wherever he went, and thrust their papers into his hands at the most unseasonable times and places; nor could he foresee the consequences of the extraordinary ferment which prevailed in every part of the kingdom, conjoined, as it was, with the pretensions of Monmouth and the boldness of his partisans. To provide against insurrection, he furnished Portsmouth, Sheerness, Hull, and other fortresses with trusty garrisons; and to free himself from annoyance, he sent for the lord mayor and aldermen, to whom, in the royal presence, the chancellor explained what he termed the law on the subject of petitions, with a strict injunction that they should see it enforced.[1] The next day a proclamation was addressed to all magistrates throughout the kingdom. It is remarkable that this instrument did not deny the right of petitioning, nor pretend that the sitting of parliament was an improper or illegal subject. It attached itself solely to the manner of procuring signatures, and threatened with the utmost rigour of punishment all who should subscribe their own names, or procure the subscriptions of others, contrary to the common and known laws of the land. A more unmeaning document could not have been published, and yet it produced an effect which its framers had never anticipated. It turned the popular current into the opposite direction. Numbers, who from the similarity of the late proceedings to those of the year 1641 had foretold a second revolution, were awakened by it from their apathy; the Cavaliers and the churchmen, the majority of the gentry and of the merchants, suddenly came forward; and multitudes in every quarter crowded to subscribe addresses to the king, expressing in the most forcible terms their reliance on his wisdom, and their abhorrence of the practices of the petitioners. Westminster set the example; Essex, Middlesex, Surrey, Somerset, Shropshire, and Norfolk, followed; and the last county ventured even to offer thanks to the king for the recall of the heir apparent from Flanders.[2]

By Charles these addresses were received with joy and gratitude. They dispelled the doubt and apprehension which hung over his mind; they convinced him that he still retained a strong hold on the affections of his subjects; and they encouraged him to adopt a measure as unexpected by his friends as it was by his opponents. Entering the council-chamber, he stated that he had derived little

[1] This explanation consisted of the resolutions of the judges in the second year of James I. and the provisions of two acts in the reign of Charles II.—Somers's Tracts, viii. 122—129. It would, however, require no small portion of ingenuity to show that either the resolutions or the statutes were at all applicable to the petitions in question.

[2] North, 342. James, i. 681. Bulstrode, 310. Macpherson, i. 100. Here it may be observed that the Licensing Act, an act which was incompatible with the liberty of the press, had not been renewed in the last session of parliament, and therefore expired of course at the prorogation on the 27th of May, 1679. Authors and printers hastened to avail themselves of their freedom, and publications of every description were poured without intermission from the press. The judges, however, undertook to check what they considered an evil. They resolved, without a dissentient voice, that not only books reflecting scandalously on the government and private persons may be seized, and the authors and publishers punished, but that no man could lawfully print and publish books of news without authority, and that whoever did so, was answerable for the falsehoods contained therein.—State Trials, vii. 929, 1127; viii. 187, 198. In conformity with this resolution, the printing of news without license was prohibited.—See Gazette, May 17, 1680.

benefit from the absence of his brother; that he could not understand the justice of taking from a prince, whose rights were assailed, the opportunity of defending them in his place in parliament; and that he had therefore ordered the duke of York to quit Edinburgh, and to return to his former residence at St. James's. This declaration revealed to the lords Russell and Cavendish, and to Capel and Powle, the degraded situation to which they had been insensibly reduced. When they accepted seats in the council, they probably cherished the hope of gaining the ascendancy through the easy disposition of the king, and the preponderance of their party in the two houses. But time had dispelled the delusion. The parliament was not permitted to sit; Shaftesbury, their leader, had been dismissed; they themselves were no more than nominal counsellors; their presence served only to give a sanction to measures which they never advised, and which, had the opportunity been given, they would have strenuously opposed. They tendered their resignation, and Charles replied that he accepted it "with all his heart."[1]

In a short time the duke of York returned to the capital, and had reason to be gratified with his reception. The recorder presented to him a congratulatory address in the name of the city; a sumptuous entertainment was given to the royal brothers by the lord mayor; and a general illumination testified the public joy at his presence. To check these demonstrations of reviving attachment in the people, his enemies began to circulate new rumours respecting the king's pretended marriage with the mother of Monmouth. It was said that the witnesses of the ceremony were still alive; that the contract itself, enclosed in a black box, had been intrusted by the late bishop of Durham to the custody of his son-in-law Sir Gilbert Gerard; and that several persons were ready to depose that they had both seen and perused the important document. By order of Charles every individual named in these reports was sent for, and interrogated before the council, and each disclaimed all knowledge whatsoever of the box, the contract, or the marriage. In conclusion two royal declarations were published in the Gazette, in which the king related all these particulars, repeated the deposition which he had formerly subscribed, and to silence the cavillers against it, called God to witness that he had never been married to Lucy Barlow, or to any other woman besides the queen.[2]

5. To parry this blow, the earl of Shaftesbury, on the 26th of June, proceeded to Westminster Hall in company with the earl of Huntingdon, the lord Grey of Werke, the lord Gerard of Brandon, the lords Russell and Cavendish, nine commoners, and the arch-informer, Titus Oates. Being admitted before the grand jury, he described to them the dangers to be apprehended from the possession of the post-office in fee by the duke of York, and the benefit to be derived from the forfeiture of two-thirds of his estate according to the popery laws; offered six reasons why they should look upon him as a papist, and present him for a recusant; and in addition advised them to indict the

[1] Kennet, 379. James (Memoirs), i. 587. Macpherson, 102.

[2] James, i. 589. Macpherson, i. 101. London Gazette, 1507, 1520. To these solemn appeals of the king it was answered by his adversaries, that if the eye and fear of God could not restrain him from living in adultery, it could not be expected that they should restrain him from swearing falsely. —Somers's Tracts, viii. 187—208, with Sir Walter Scott's notes.

duchess of Portsmouth as a national nuisance. The last part was intended only to excite alarm in the king's mistress; and the object of the first part was defeated by the address of the judges, who discharged the jury, while a portion of their number were closeted in private consultation with Shaftesbury. In the next term the attempt was renewed; and the duke, on the oath of Oates that he had seen that prince receive the sacrament at mass, was presented as a recusant at the Old Bailey; but advantage was taken of some irregularity in the proceedings, and the cause was removed by writ of certiorari into the court of King's Bench.[1]

It was during this period that the appellations of Whig and Tory became permanently affixed to the two great political parties which for a century and half have divided the nation. The first had long before been given to the Covenanters in the west of Scotland, and was supposed to convey a charge of seditious and anti-monarchical principles. The second originally designated those natives of Ireland who, having been deprived of the estates of their ancestors, supported themselves by depredations on the English settlers; and was now employed in conversation to intimate a secret leaning towards popery and despotism. Hence the *abhorrers* branded the *petitioners* with the name of Whigs; and the petitioners in revenge bestowed on their opponents the name of Tories. But in a short time Whig and Tory ceased to be terms of reproach; they were cheerfully adopted by the parties themselves, and became hallowed in their estimation as indicative of the political principles which they respectively professed to cherish and uphold.

[1] State Trials, viii. 179. C. Journ. Dec. 23, 1680. James (Memoirs), i. 666. Ralph, i. 604, note.

II. To pursue the "Popish plot" through its successive ramifications, would be to impose an irksome task on the feelings and patience of the reader. But out of the new informers, who daily grafted their own discoveries on the original narrative of Oates, two will claim his attention, not so much on account of their superior infamy, as of the purpose to which their evidence was subsequently applied. 1. The first was named Dangerfield, a young man of handsome person and of creditable acquirements, but who, in the course of a few years, had run through a long career of guilt. In different places and for different crimes, he had been condemned to fine and imprisonment, had suffered the punishments of whipping and being burnt in the hand, had stood in the pillory, and had been repeatedly outlawed. Mrs. Cellier, a Catholic midwife of eminence, who collected alms for the relief of the prisoners, found him among the debtors in Newgate, and received from him a petition for pecuniary assistance, with a promise that he would in return purloin the papers of Stroud, a fellow-captive, supposed to have been suborned by Shaftesbury as a witness against the lords in the Tower. She satisfied his creditors, and on his discharge employed him to collect certain moneys due to her husband. In this occupation he pretended that, by visiting the different coffee-houses, he had discovered the existence of a most dangerous conspiracy. Cellier, through the agency of Lady Powis, introduced him to the earl of Peterborough, and Peterborough to the duke of York, to whom he declared that, during the king's indisposition, the principal Presbyterians had conspired to raise an army, and seize on the government; that the design, though frustrated for the moment by the king's recovery, was not yet abandoned; and that the

paper which he then delivered to his royal highness, would show that commissions had already been distributed, and the plan of a revolution in the government had actually been arranged. James heard him with jealousy and reserve. He gave him indeed twenty guineas as a reward for his good will; but transferred him with his document to the king, who, having ordered him an additional present of forty guineas, commissioned Secretary Coventry to watch his conduct, and investigate the truth or falsehood of his story. Coventry thought it unworthy of credit. He gave him back his paper, and demanded something more satisfactory; but Dangerfield could produce nothing besides two letters written by Bulstrode, the envoy at Brussels, to the earl of Shaftesbury. The letters were on indifferent matters; but that they should be in the possession of Dangerfield was very extraordinary. The king grew uneasy: there was, he declared, some dark and mysterious plot in agitation.[1]

A few days later, in consequence of an information laid by Dangerfield, the revenue officers searched the lodgings of Colonel Mansel, the quarter-master of the supposed Presbyterian army, and instead of a prize of foreign lace which had been promised them, discovered a bundle of treasonable papers concealed behind the bed. That these papers were forgeries appeared on the first inspection; Mansel traced the contrivance to Dangerfield; and the council committed him to Newgate. In prison he appeared to be agitated with the most violent remorse. He acknowledged that, at the instigation of Lady Powis and Mrs. Cellier, he had been engaged in a sham plot for the purpose of covering a real one: the Presbyterians were innocent, the papists guilty: Lord Arundell had offered him two thousand pounds as a reward for the murder of the king — that bribe he had the virtue to refuse—then Lord Powis offered him five hundred pounds to assassinate the earl of Shafterbury—he yielded to the temptation; but twice his heart failed him, and Lord Peterborough reproached him with cowardice. In conclusion, as a proof of the sincerity of his repentance, he declared that the original of the notes shown by him to the king, the document on which the sham plot was to have been founded, lay concealed in a meal-tub in the house of Mrs. Cellier. There the paper was accordingly discovered; and thence, the whole transaction is known in history by the name of the meal-tub plot.

In consequence of these disclosures, Lady Powis was committed to the Tower, but escaped the danger of a trial, the bill against her being ignored by the grand jury of Middlesex. Mrs. Cellier was imprisoned in Newgate, where Shaftesbury, Sir William Waller, and Dangerfield himself, solicited her to turn informer; but her resolution set them at defiance; and, on her trial, she satisfied the court that her accuser was too infamous in law to be admitted as a credible witness.[2] Her acquittal induced the attorney-general to postpone for a

[1] Dangerfield, in his "Particular Narrative" (p. 39), says that he waited on Lord Shaftesbury to kill him at the instigation of the papists, and being left alone for some time, took the opportunity of stealing these letters.

[2] Dangerfield having published his narrative, Mrs. Cellier, who as a writer was more than a match for him, published a vindication of herself, with an account of her trial, under the title of "Malice Defeated; or a Brief Relation of the Accusation and Deliverance of Elizabeth Cellier." Some passages in this tract, respecting the treatment of the prisoners in Newgate by Captain Richardson, the jailer, exposed her to a second trial (Sept. 13) for a libel. She was found guilty, and condemned to pay a fine to the king of 1,000*l.*, and to stand thrice in the pillory.—State Trials, vii. 1183—1218.

few days the trial of Lord Castlemaine, who had been charged with high treason; and in the interval another pardon—the first had not included felony, burglary, or forgery by name—was granted to Dangerfield, that he might be brought forward as a second witness in support of the evidence of Titus Oates against that nobleman. But no pardon could remove the stigma which had been impressed on his character by sixteen convictions in different courts; the jury refused to give credit to his oath, and Lord Castlemaine also obtained an acquittal.[1] The informer, however, was not abandoned by his patrons; they kept him in reserve till the meeting of parliament; and hoped to influence by his testimony, infamous and degraded as he was, the deliberations both of the Lords and Commons.

The mystery which covered the meal-tub plot has never been completely developed. There were many who believed that the Catholics, indignant at the unjust persecution which they suffered, sought to retaliate on their accusers by forgeries similar to those which had been employed against themselves. Others looked on Dangerfield as the mere tool of Oates; and that the real object of both was to inveigle some Catholics into an attempt to fix a pretended plot on the Presbyterians, that, by denouncing them, they might prop up the declining credit of the original imposture. But the king was convinced that his real instigators, whoever they might be, aimed at a higher quarry; that they sought to draw the duke of York into some practice which might add fuel to the popular prejudice against him, and minister additional arguments in favour of the bill of exclusion. The use which was afterwards made of Dangerfield seems to confirm this conjecture.[2]

2. A short notice may suffice for Bolron, from whom was derived the Yorkshire branch of the plot. He had been the manager of Sir Thomas Gascoign's coalpits, had made free with the money of his employer, and had been threatened with a prosecution for felony by Lady Tempest, the daughter of Sir Thomas. In his alarm he sought to shelter himself under the mantle of an informer; but the county magistrates, before whom he laid his information, convinced by their personal knowledge of its falsehood, refused to grant the warrant which he demanded. Bolron hastened to London, made a second and more ample deposition before the earl of Shaftesbury, and subsequently added a third, which supplied the deficiencies, and reconciled the inconsistencies of the preceding. From London the informer was sent back to Yorkshire to procure a second witness, whom he found in Mowbray, a servant lately discharged

She had been an important witness at the trial of Lord Castlemaine, and we are told by North that the real object of the second prosecution was to disable her from becoming a witness also in favour of the lords in the Tower.—North, 264.

[1] State Trials, vii. 1067, and Lord Castlemaine's manifesto, who bitterly complains that in the printed reports of his own and of the other trials respecting the popish plot, great partiality to the informers is shown by the publishers, and much injury done to the cause of the accused (p. 39). From his statement it appears that a person committed to the Tower, if he was a peer of England or Ireland, paid in fees one hundred pounds to the lieutenant, ten pounds to the gentleman porter, and five pounds to the gentleman jailer.—See his Manif. 103.

[2] For this account of the meal-tub plot, I must refer my readers to the notes of the Chief Justice North, written at the time (North, 265); to Dangerfield's "Particular Narrative," in 1679; Cellier's "Malice Defeated," in 1680; Dangerfield's Answer to a certain scandalous, lying Pamphlet, entitled "Malice Defeated," 1680; Cellier's rejoinder of "Matchless Rogue," 1680; the Lords' Journals, xiii. 667; Castlemaine's Manifesto, 1681; and State Trials, vii. 1043—1112.

from the family on suspicion of theft. Sir Thomas Gascoign, who was in his eighty-fifth year, was tried at Westminster before a jury of Yorkshire gentlemen. The two witnesses deposed that he, his son Thomas, his daughter Lady Tempest, his nephew Mr. Thwinge, Sir Miles Stapleton, Mr. Ingleby, and some others, had subscribed money towards the assassination of the king, and the propagation of the Catholic faith, and that they themselves had been initiated in the conspiracy by taking what the informers called "the papists' bloody oath of secrecy." For the defence it was proved by the prisoner's solicitor that Bolron never made any charge against his master till he had been threatened with a prosecution; by the two magistrates, that his deposition before them bore very little resemblance to his evidence in its present improved form; and by a host of unimpeachable witnesses, that neither he nor his associate Mowbray had any claim from their previous character to the belief of the court. The old man was acquitted; and the other cases were sent back to be tried in the county. Lady Tempest proved equally fortunate with her father, but a third jury convicted Thwinge, while a fourth acquitted Ingleby, and a fifth Sir Miles Stapleton.[1] It was evident that if the others were innocent, Thwinge could not be guilty; and the king, under this conviction, granted him a reprieve; but the ministers dared not face the house of Commons as long as a single individual under condemnation for the plot remained alive, and on the day after the meeting of parliament, in consequence of their remonstrances, Thwinge suffered at York the death of a traitor.[2]

The summer passed away amid the hostile preparations of the two parties. The king (satiety had now blunted his appetite for pleasure) spent his time in privacy at Windsor; and, as if he had no subject of disquietude on his mind, amused himself with angling, walking in the park, and superintending the improvements in the castle and the adjoining grounds.[3] But James was more anxiously employed. He watched with solicitude the intrigues of the party, and laboured to impress on the royal mind a persuasion that the real object of his enemies was the subversion of the monarchy and the re-establishment of the commonwealth. He observed that many of them were men who, having acquired power and influence in the revolution, still cherished, under the mask of patriotism, their former principles; that they put forward the safety of religion, as they had done during the rebellion, for the sole purpose of inflaming the people; that they had begun with the bill of exclusion to make the monarchy elective; and that, when they had accomplished that object, they might, indeed, gratify Charles with the title and the revenue of a king, but would reduce him in point of power to a level with the doge of Venice.[4] There is no doubt that James was correct, as far as regarded the views of Algernon Sydney and

[1] State Trials, vii. 959—1043. The narrative of Lawrence Mowbray, of Leeds, Gent. 1680. The Narrative of Robert Bolron, of Shipponhall, Gent. 1680.

[2] Low as the credit of Bolron was sunk, he was again brought forward, and made to publish, with permission of the house of Commons, a most infamous forgery, entitled "The Papists' Bloody Oath of Secrecy, and Litany of Intercession." 1680. See the tract, and the Journals of Dec. 16, 1680. The publication was well timed; it took place in the interval between the condemnation and the execution of Lord Stafford.

[3] "Certain," says Reresby, "it is, that he was much better pleased with retirement than the hurry of the gay and busy world." —Reresby, 100.

[4] James (Memoirs), i. 595, 598, 613, 614, 632. Dalrymple, 266.

his confidential friends;[1] but the majority of those who advocated the bill of exclusion were not unwilling to perpetuate the monarchy, though their leaders sought to strip it of many powers which it still possessed, and which they deemed inconsistent with the rights of the people. But if James were removed from the succession, whom did they intend to substitute in his place? They were divided between the two competitors, the prince of Orange in right of his wife, the eldest daughter of James, and the duke of Monmouth, as the son of the king. That the ambition of the former was not insensible to the splendid prize which fortune seemed to offer him, is certain; and much has transpired to provoke a suspicion that he secretly promoted the plan of exclusion. With this intention Van Lewen was sent to England, in quality of envoy from the States, but with instructions to press on the mind of the king the necessity of preserving a good understanding between him and the parliament. Frimans followed Van Lewen in a private capacity, but for the purpose of treating clandestinely with the leaders of the country party. Among the ministers, Godolphin and Sunderland, both high in the royal confidence, were already won to his interest, and Hyde, though devoted to James through gratitude and attachment, felt no inclination to oppose the cause of his niece, the princess of Orange.[2] The hopes of Monmouth rested on the yet unextinguished affection of the king, who in a private interview had forgiven his past conduct, and on the assurances of support from Shaftesbury, from Montague, and perhaps from their intimate associate Lord Russell. Of himself he put forth no pretensions; he had nothing in view but the common welfare of the nation. Laying aside all political engagements, and assuming the appearance of a man of pleasure, he made a tour of the kingdom, and visited the most celebrated fairs, races, and assemblies of amusement. His friends, however, were everywhere careful to make preparations against his coming, to sound forth his praises and pretensions, and to collect multitudes to greet his arrival. On one occasion, when he visited Sir William Portman, near Taunton, he is said to have been met by twenty thousand persons; and afterwards, when he accepted an invitation to dine with the city, it was observed that the royal arms were emblazoned on his carriage, without the bar, the heraldic token of illegitimate birth.[3]

In June Charles had concluded a treaty with the king of Spain, by which the contracting parties had engaged to maintain the peace of Nimeguen, and to aid each other with their whole force in the case of aggression on any part of their respective dominions in Europe.[4] This treaty had been devised by the prince of Orange, to curb the ambition of Louis, who was still believed to cherish hostile designs against the Spanish territories in the Netherlands; and it was strongly seconded by the advice of Temple and Sunderland, as calculated to refute the general opinion that the king still suffered himself to be swayed by French counsels. In August he announced his intention of meeting the parliament on the 21st of October,

[1] James (Memoirs), 635. Dalrymple, 257, 282, 312. D'Avaux, i. 9. Barillon describes Penn, le chef des trembleurs, as united with Sydney, and à la tête d'un fort grand parti. —Dalrymple, 282. See also Penn's letters on election matters to Sydney, in the Sydney Papers, i.; Memoir, pp. 154, 155; and Mrs. Cellier's examination, Malice Defeated, 31.

[2] D'Avaux, i. 34, 43, 45, 49, 53. Dalrymple, 205, 209, 271.

[3] Sydney's Letters, 54.

[4] Dumont, vii. par. ii. p. 2.

and the announcement stimulated the opposite parties to new exertions preparatory to the contest. It was evident that the adversaries of the duke had acquired in the interval a considerable accession of strength. On the other hand, the boldness of Shaftesbury in presenting that prince for recusancy, had indissolubly bound the noblemen and gentlemen who accompanied him to his party—they had gone too far to withdraw; they must ruin the presumptive heir or be ruined by him—and it confirmed the wavering fidelity of some among their followers, who conceived that no reasonable man would have ventured on such an attempt without full assurance of success. In addition, they could now command the services of Sunderland and Godolphin, who, from the moment that they devoted themselves to the interests of the prince of Orange, had pledged themselves to the leaders to promote the bill of exclusion. They had won a still more powerful auxiliary in the duchess of Portsmouth. Her terrors had been excited by the threat of an indictment, and were kept alive by the publication of articles of high treason and other misdemeanors against her.[1] She sought a reconciliation through the agency of Lord Howard of Escrick; and to lull the suspicion of Charles, attributed her interviews with that nobleman to her desire of mitigating the hostility of the party. A treaty was concluded between her on one side, and Monmouth, Shaftesbury, and Russell on the other; it was stipulated that they should suppress all proceedings against her, and that she should employ all her influence with the king in aid of the bill of exclusion. With this view she was commissioned to offer him a large supply of money, with the power of naming his successor, in the same manner as it had been conferred on Henry VIII. Gradually he was brought, or at least pretended, to listen to these terms. Monmouth had little doubt that he should be the person named by his father; the duchess was supposed to indulge a hope that her own son by the king might prove the successful competitor.[2]

Though James was not without suspicion, he was kept in ignorance of this intrigue, till the court returned from Newmarket, when Essex, Halifax, Sunderland, Godolphin, and the duchess of Portsmouth took opportunities to represent to the king, separately, and as it were without concert, the necessity of his brother's departure before the opening of parliament. He permitted them to signify their opinion to James, who received it with strong expressions of displeasure. Experience, he said, had convinced him that his presence proved an encouragement to his friends, his absence to his enemies. The question was then laid before the council, where eleven out of eighteen members spoke in his favour; but the king, with those in the secret, contrived, by putting hypothetical cases, to embarrass the deliberation, and the next day informed the duke that reasons of state rendered his absence indispensable during the approaching session. At these words the unfortunate prince appeared sunk in despair; and to console him Charles most solemnly promised that he would never surrender but with his life the rightful descent of the crown, the command of the naval and military force, and the power of calling, proroguing, and dissolving parliament. James, for a last favour, solicited a general pardon, as a protection against impeachment during his absence; but

[1] See it in Somers's Tracts, viii. 137.
[2] Temple, ii. 531. James (Memoirs), i. 591, 594, 599, 615. Macpherson, i. 104. Dalrymple, 264, 270, 272, 279.

the king replied that a pardon was unnecessary. If the Commons talked of an impeachment, he would meet the attempt with a dissolution. Convinced that he was abandoned by his brother, the prince with a heavy and misboding heart went on board his yacht, and sailed for Leith, the day before the meeting of parliament.[1]

Barillon had carefully watched the progress of these intrigues, and received instructions from his court to make it his chief object to prevent any grant of money in support of the Spanish treaty, and for that purpose to foment, by every expedient in his power, the dissension among the several parties. He informed the popular leaders that Louis considered it as much his interest as theirs, that the powers of the crown should be confined within the narrowest limits; and would therefore be always ready to aid them in their efforts to secure the liberties of the people. To James he made the offer of pecuniary aid, whenever that prince might deem it expedient to draw the sword in support of his own rights. If the king should seem disposed to an union with the popular party, the ambassador was authorized to prevent it by offering a yearly pension, provided he would withdraw from his treaty with Spain, and govern without a parliament; and should the bill of exclusion be carried, and a necessity exist of choosing between the prince of Orange and Monmouth, he was instructed to support the former, though a personal enemy, in preference to the pretensions of a bastard. Barillon immediately began to intrigue, and with the distribution of a few thousand pounds, purchased the services, or a promise of the services, of several among the more influential members of the house of Commons.[2]

It was the intention of the Whigs that the bill of exclusion should originate in that house. The plan of operations was traced by the hand of Shaftesbury, and did honour to the ingenuity of its author. As soon as the members had taken the oaths, Dangerfield appeared at the bar to accuse the presumptive heir to the crown. Though he stood there with the accumulated infamy of sixteen convictions on his head, though his testimony had been rejected by the verdicts of three successive juries, he was received with approbation, and listened to with credulity. He solemnly affirmed that the duke of York had been privy to his imposture of a Presbyterian plot; had given him instructions to forge and distribute the lists and commissions; had made him a present of twenty guineas with a promise of a more substantial reward; had turned into ridicule his scruple of shedding the king's blood, and had commanded

[1] James (Memoirs), i. 594—600. Dalrymple, 265, 268. Macpherson, i. 105. In conversation with Barillon before his departure, James says, en termes pleins de colere et de ressentiment, que si on le pousse à bout, et qu'il se voit en état d'être entiérement ruiné par ses ennemis, il trouvera les moyens de les en faire repentir..... cela veut dire qu'il espère pouvoir exciter des troubles en Ecosse et en Irlande. Hence Dalrymple (269) and Heywood (316) represent him as intending to excite rebellion against his brother; an inference which certainly is not warranted by this sudden burst of passion.

[2] Dalrymple, 271, 277, 278, 279, 280, 285. Besides Montague, whose services were secured by other payments, Hampden member for Buckinghamshire, Titus for Huntingdonshire, Herbert for Wilton, Hill for Agmondesham, Harbord for Camelford, Armstrong for Stafford, and Boscawen for Tregony, with Algernon Sydney and Baber, neither of whom sat in this parliament, received severally five hundred guineas: Sacheverell member for Derbyshire, Foley for Bewdley, Bide for Hertford, Bennet for Shaftesbury, Hotham for Beverley, Garroway for Arundel, Frankland for Thirsk, and Harley for Herefordshire, with Hiedall and Compton, two agents, were satisfied with the smaller sum of three hundred guineas. —See Barillon's account, dated December 4, O.S. in Dalrymple, 316.

him to persevere without dread of the consequences.[1] Before the indignation excited by this disclosure had subsided, Lord Russell rose, and moved that it should be the first care of the house "effectually to suppress popery, and prevent a popish successor." He was seconded by Sir Henry Capel, who, in the whole reign of the king, during the lapse of twenty years, could see nothing but the prevalence of popish counsels. Whether toleration was granted or denied; whether war was declared or peace concluded; whether the king sought to conciliate the two houses by concession, or cut short their debates by a prorogation or dissolution, every measure, whatever might be its apparent motive, proceeded from the secret influence of the papists in the prosecution of their great objects,—the destruction of Protestantism and the elevation of a popish prince to the throne. From the same impure source he derived the many acts of arbitrary power which marked the king's reign, the burning of London, the destruction of the fleet in the river, the attempts on the life of the Protestant monarch, and that hellish plot, for the discovery of which they were indebted to the mercy of Providence and the agency of Titus Oates. Montague and others followed in the same tone of invective and crimination, and the resolution was adopted without a dissentient voice.[2]

It was of importance not to suffer the vindictive feelings kindled by these harangues to cool through procrastination, or the want of additional excitement. Two days later the deposition of Bedloe on his death-bed, confirmatory of his former testimony, was read to the house;[3] soon afterwards Francisco de Faria, a converted Jew, came forward to declare that a proposal to assassinate Oates, Bedloe, and Shaftesbury, had been made to him by the late Portuguese ambassador, to whom he had acted as interpreter;[4] then Dugdale related at great length his proofs of the guilt of the lords in the Tower; next came Prance to make additions to his old tale of the murder of Godfrey; and last of all Mr. Treby made a full report of the several informations respecting the plot, which had been collected by the industry of the committee appointed in the last parliament. In conclusion the house passed the three following votes:—1. That the conspirators had been led to engage in the plot by their knowledge that the duke of York was a papist. 2. That if any violence were offered to his majesty's person, it should be revenged on the whole body of the papists. 3. That a bill should be introduced to disable the duke of York from succeeding to the imperial crown of England.[5]

Had the adherents of the court

[1] L. Journal, xiii. 687; and "The Information of Thomas Dangerfield, Gent. 1680."

[2] C. Journ. Oct. 26. Parl. Hist. iv. 1162—1172. James, i. 601.

[3] Bedloe during his sickness at Bristol sent for the chief justice North, and before him and several others declared that the evidence which he had given was true, and lamented the danger to which the Protestant religion was exposed. He then expressed a wish to communicate important information to North alone; all but his wife and North's clerk left the room; the sick man was sworn, and declared that the duke of York was a party to the plot, with the exception of the murder of the king, and that the queen had given money for the propagation of the Catholic faith, but was, as far as he knew, ignorant of any mischief designed to the king. This deposition was read over to him; he approved of it, and declared that he had nothing to add to it. Its publication greatly disappointed the expectation of the party.—State Trials, vi. 1403. North, 252, 255.

[4] Gaspar de Abreu de Freitas, the ambassador, left England in February. De Faria without employment grew poor: he pretended to fall into fits, in which he often repeated the names of Shaftesbury, Oates, and Bedloe, and at last turned informer. He insinuated that Lord Powis, Lady Abergavenny, and Chief Justice Scrogge were leagued with the ambassador.—See his printed information, and narrative.

[5] C. Journ. Oct. 28, 30, Nov. 1, 2.

united in his defence with the "party volant" (so the independent members were called), James might yet have bidden defiance to the formidable host which stood in array against him. But means were devised to intimidate the one and to attract the other. The expulsion and imprisonment of Sir Francis Wythens, for the presentation to the king of the Westminster address expressive of "abhorrence of the petitions," and of Sir Robert Canne, because at Bristol he had hinted an opinion that a Presbyterian was more probable than a popish plot, showed how dangerous it was to provoke the displeasure of the leaders; and a number of petitions against undue returns, petitions levelled chiefly against the courtiers, taught them to tremble for the possession of their seats, and to propitiate those on whose votes their subsequent fate must depend. On the other hand, the party volant was induced to give their aid to the Whigs, on considerations, drawn from the sudden departure of James and the warmth displayed by Lord Russell and William Jones. The king, it was argued, would never have banished his brother a second time, had he not seen the necessity of yielding to the popular ferment; nor could it be supposed that a nobleman so cautious as Lord Russell, with such a princely fortune at stake, or a lawyer so eminent in his profession as Jones, with such a brilliant prospect before him, would have embarked so eagerly, so violently, in the cause, without some secret assurance of being able to bring it to a successful issue.[1]

In the debates respecting the bill of exclusion, the speakers on both sides did little more than repeat the arguments which they had enforced in the last parliament. The principal novelty was an allusion to the unacknowledged claim of the duke of Monmouth. Why, it was asked, did the bill contain no provision in case the duke of York should return to the Protestant church? For what purpose had all mention of his children been so cautiously avoided? Why was not the right of succession declared to reside in them? "They talk, indeed," exclaimed Colonel Legge, afterwards earl of Dartmouth, "of another successor in a black box; but if that Pandora's box is to be opened, I hope it will be in my time, and not in that of my children, that I myself may have the honour of drawing my sword in support of the rightful heir." The advocates of the bill were content to reply, that as it named no one but the duke, the disability would apply solely to him; he would be dead in law; and the crown would of course descend as if he were naturally dead.[2]

In the mean time Shaftesbury, to the surprise of the uninitiated, paid several visits in public to the duchess of Portsmouth; and yet the negotiation, which had commenced under her auspices, proceeded but slowly. Charles had descended from the demand of eight hundred thousand pounds to the sum of six hundred thousand pounds; but neither party dared to place confidence in the good faith of the other: he insisted that the parliamentary grant should precede, the Whigs that it should follow, the exclusion of the duke.[3] The king, at the suggestion of Halifax, sought to bring the question to an issue by

[1] C. Journ. Oct. 28, 29. Temple, ii. 532.

[2] State Tracts, 85. Parl. Hist. iv. 1175, 1215. James, 601—613. The bill proposed to enact that, if James survived the king, the crown should descend and be enjoyed by such person or persons successively, during the life of the said James duke of York, as would have inherited and enjoyed the same in case he were naturally dead.—See it in State Tracts, ii. 91.

[3] James (Memoirs), i. 640, 645. Burnet, ii. 254, and note. Dalrymple, 279.

a message to the house of Commons, in which he professed his readiness to concur with them in any measure of precaution which did not infringe on the lawful descent of the crown. But it was determined to pay no regard to this message, and while the committee prepared an answer, the managers added a new stimulus to the fears and prejudices of the members by the announcement of another conspiracy lately discovered in Ireland.

From the very beginning, it had acted as a drawback from the credit of the English plot, that there existed no trace of any similar design in Ireland, where the Catholics were so much more numerous, and had experienced so many more grievous and more recent causes of irritation. Ormond carefully executed the orders of the English council, though he was convinced that they were not called for by any fault of the natives. He disarmed the Catholics, suppressed all schools and convents, shut up the chapels in the principal towns, and commanded by proclamation all Catholic priests to quit the island by a certain day. Next, in obedience to new instructions, but in opposition to his own judgment, he offered rewards to informers respecting the plot, and immediately a few men of desperate fortunes and abandoned character came forward. But they met with little credit among their countrymen. Most of the accused were dismissed after examination by the Irish council, and the others, who took their trials, were acquitted by Protestant juries.[1] The friends of the plot were not discouraged. They summoned the disgraced informers to England, sent them back with new instructions to Ireland, and now, having recalled them from their mission, exhibited them at the bar of the house of Commons, where Hetherington, Murphy, and Fitzgerald detailed the particulars of an imaginary plot in Ireland, the exact counterpart of that supposed to to have been discovered in England. The moment they departed, an address complaining of evil counsellors, and begging the king to trust to his faithful Commons was adopted, and a motion made to read the bill of exclusion the third time. The duke's friends yielded to the torrent: they did not even call for a division, and the bill passed amidst the shouts and congratulations of its advocates.[2]

Here, however, for some reason, of which we are ignorant, a pause of four days ensued; and the intermediate time was spent by the opposite parties in preparing for the contest in the house of Lords. Charles took a most decided part, openly soliciting votes in favour of his absent brother; and the popular leaders procured numerous petitions, and were careful that Dangerfield should be in attendance. It had been artfully arranged that his charge against the duke should immediately precede the introduction of the bill of exclusion. But his testimony failed to produce the desired effect; for Lord Peterborough, who was named as a party, vindicated himself so victoriously, that even Essex, one of the opposite leaders, pronounced the informer unworthy of credit.[3] When Lord Russell brought up the bill, he was accompanied by the great body of the Commons, and his announcement of its title, "To disable James,

[1] Carte, ii. 477, 498, 513—516; App. 99.

[2] C. Journ. Nov. 11.

[3] In the Memoirs of James (i. 617) we are assured from his collection of letters, that the information of Dangerfield preceded the debate on the bill; and that such was the case is evident from the time at which the division took place, nine or eleven at night. It is probable that the clerk entered both the information and the debate on Lord Peterborough's guilt or innocence afterwards for his own convenience. — L. Journ. 667—670.

duke of York, from succeeding to the crown," was followed by a cheer of approbation from behind the bar. The house resolved itself into a committee, and the Commons remained to hear the debate. Essex and Shaftesbury, particularly the latter, distinguished themselves by the force and eloquence with which they urged the expediency of the measure, and were followed not only by the accustomed leaders of the party, but by the earl of Anglesey, who seems to have been intimidated by the evidence of Dangerfield, and by the earl of Sunderland, who took this opportunity to announce his apostasy.[1] Prudence might have closed the lips of Monmouth; but he spoke boldly, and uttered sentiments which gave unpardonable offence both to his father and uncle. He should vote, he said, for the bill, because he knew of no other expedient to preserve the life of the king from the malice of the duke of York; an expression which Charles, who was present, likened, in a loud whisper, to "the kiss of Judas." On the opposite side appeared a champion of matchless prowess, the earl of Halifax. He exposed the hypocritical ambition of Monmouth with all the powers of wit and sarcasm; he rebutted the arguments of Shaftesbury, with an eloquence and energy which surpassed the most partial expectations of his friends; and he developed the arts and intrigues of the exclusionists in a manner which was keenly felt and deeply resented. At nine at night, after a debate of six hours, the house divided, and the bill was rejected, on the first reading, by a majority of sixty-three to thirty voices.[2]

To console themselves under this disappointment, the popular leaders resolved to hunt down those whom they considered as its principal authors. Halifax in one house, and Seymour in the other, were marked out for the objects of vengeance. Against Halifax the Commons presented an address that he might be for ever removed from the royal councils and presence, not because he had so successfully opposed the bill of exclusion, but under the pretence that he had advised the late dissolution. Charles briefly replied, that whenever they could show that either Halifax, or any other of his councillors, had committed a legal offence, he would never interpose to screen him or them from punishment. Seymour, the most powerful advocate of the duke in the council, they impeached of peculation in the execution of his office of treasurer of the navy; a charge the truth or falsehood of which was never ascertained, because he was never brought to a public trial. To the king himself, who had asked for pecuniary aid towards the defence of Tangier against the Moors, they replied by an address, which was in reality meant to be an appeal to the people. The papists, they told him, "that bloody and restless party," not content with the private exercise of their idolatrous worship, had brought over multitudes of priests and Jesuits to pervert the consciences of his subjects, and to corrupt those whom they could not pervert; had gradually usurped the control over the internal and external polity of the kingdom; had prevailed on him to make peace or war, to call or dissolve parliaments, as suited their pur-

[1] "I am assured," says Evelyn, "he (Lord Sunderland) did not do this out of inclination, or for the preservation of the Protestant religion, but by mistaking the ability of the party to carry it."—Evelyn, iii. 50.

[2] L. Journ. 666. James (Memoirs), i. 617, 618. Macpherson, 108, 109. Reresby, 104. Burnet, ii. 246, note a. From these authorities it appears that all the bishops present, fourteen in number, voted against the bill.

poses; and, having before them the prospect of a proselyted prince to succeed to the throne, had formed the design of assassinating his majesty, of destroying the Protestants in England, and of executing a second massacre in Ireland, that by these means they might accomplish the suppression of religion and the overthrow of the government. To prevent these evils, the house of Commons had proposed the exclusion of the duke as the only remedy. Let the king adopt it, and he would find them ready to supply him with pecuniary assistance: if not, they should at least preserve themselves guiltless of the blood and desolation likely to ensue.[1]

In the house of Lords Shaftesbury proposed, what he described "as the sole remaining chance of security for liberty and religion," a bill of divorce, which, by separating the king from Catherine, might enable him to marry a Protestant princess, and to leave the crown to his legitimate issue.[2] The earls of Essex and Salisbury and the Lord Howard of Escrick supported the motion; which was as warmly opposed by the earls of Halifax and Bridgewater. Charles, however, declared that he would never consent to the disgrace of an unoffending woman; he openly solicited the votes of the peers against the measure; and its originator, despairing of the result, suffered it to sleep for a while, with the hope of bringing it forward again under more favourable auspices, and with a better prospect of success.[3]

Hitherto the session had brought to the popular leaders nothing but disappointment and defeat; the prosecution of William Howard, Lord Viscount Stafford, gave to them a victory, but a victory which covered them with disgrace. Of the victims sacrificed to the perjury of Oates and his brother informers not one had died without protestations of innocence; and the truth of these protestations had been strongly confirmed by the repeated acquittal of their surviving companions during the last summer. The credit of the plot, the credit of the majorities in both houses who had so loudly and so frequently pronounced their belief in its existence, and the credit of the statesman who had employed it as an engine to move the passions of the people, and as a weapon of offence against the duke of York, were evidently at stake. To maintain the reputation and the influence of the party, a conviction was necessary, and to obtain such conviction no art was left untried which the desire of victory could suggest. Hence it was, that when the lords in the Tower, after their long and rigorous confinement,[4] demanded a trial, the Commons did not bring them together to the bar, but selected the Lord Stafford, who on account of his age and infirmities appeared the least able to make a powerful defence; and in addition

[1] C. Journ. Nov. 17, 22, 26, 27.

[2] It should be remarked that the exclusionists never attempted to move the question of Monmouth's legitimacy, whence Ralph justly infers that they knew it would not bear inquiry.—Ralph, 560.

[3] James (Memoirs), i. 618. Macpherson, i. 109.

[4] On the 21st of May, 1680, Lord Stafford was brought by habeas corpus before the court of King's Bench, and demanded to be discharged on bail, as he had been eighteen months in prison without being brought to trial. The chief justice refused, on the ground that the Lords had declared that impeachments continued from parliament to parliament. Lord Stafford replied that he asked for nothing but what the law granted to every Englishman: by law he had a right to be bailed; nor would the granting of his demand infringe the order of the Lords; for, whether he were in prison or out on bail, he should be equally forthcoming when called upon. But the judges were unwilling to interfere, and advised him to petition the king.—See his letter to his son in the possession of his descendant, the present Lord Stafford.

they exposed him, during the proceedings, to insults capable of unnerving the stoutest heart, and refused to him those indulgences which humanity, if not justice, seemed to demand. 1. Each day, as the noble prisoner proceeded to the hall, or returned to the Tower, he was constantly surrounded and assailed by crowds of miscreants, sounding in his ears the most hideous yells and most appalling imprecations. He complained to the court of such treatment, but complained in vain. These cries, he said, wounded his feelings, and disturbed his thoughts; they disabled him from attending to his defence; they took from him that calmness of mind so necessary to a man pleading for his life. 2. On the second day, when the witness Dugdale came to the capital offence, and deposed to the assent, said to have been given by Lord Stafford to the design of assassinating the king, a cheer of congratulation, an expression of feeling suited more to savages than civilized men, burst from the members of both houses, and ran through the hall. "What," exclaimed the lord high steward, "is the meaning of this? For the honour and dignity of public justice, let us not carry it as if we were in a theatre!" 3. The counsel of Lord Stafford attended to argue points of law, if any such points should arise. Yet so captious was the jealousy of the managers, so ardent their desire of a conviction, that they would not permit the counsel to stand within a certain distance of the prisoner, lest they might by a whisper or sign suggest to him some question or remark, useful for his defence, or embarrassing to their witnesses. 4. When the Commons had concluded their case, and the accused solicited the respite of a day to prepare his answer, urging his fatigue, his infirmities, his want of sleep, and the precedent of a similar indulgence in the case of Lord Strafford, they sternly withheld their assent; and the Lords, through fear of giving offence, had the inhumanity to refuse a request, which was originally suggested by the high steward, and had been pronounced by him reasonable and just.[1]

Westminster Hall had been fitted up for the trial after the form which had been adopted during the proceedings against Lord Strafford. The interior exhibited an exact resemblance of the house of Lords; on each side ascending rows of benches were appropriated to the members of the house of Commons; the managers, the witnesses, and the accused were stationed near the bar, in face of the lord high steward; on the right of that officer the king with his attendants, on the left the queen with hers, occupied a private box; and above them a spacious gallery accommodated the foreign ambassadors, and other privileged individuals. Finch, the chancellor, discharged the office of lord high steward; and the managers for the Commons were Maynard, who forty years before had been similarly engaged in the trial of Lord Strafford, Winnington, Treby, Jones, Powle, and Trevor, the most distinguished lawyers in the house.

On the thirtieth of November (it was his sixty-ninth birthday, but whether the coincidence arose from design or chance is unknown) this venerable nobleman was placed at the bar to plead against the informers, and politicians, and zealots who thirsted for his blood. The day was spent by the managers in an attempt to establish the existence of the plot. With this view they detailed to the audience all those pernicious doctrines which have been so often, and so falsely, attributed to the church of Rome; that faith is not to be kept

[1] Trial of Lord Stafford, folio, 1680-1, pp. 40, 42, 65.

with heretics, that heterodox sovereigns may be lawfully deposed and murdered by their subjects, and that actions, vicious of their own nature, become virtuous, when their object is the benefit of the church. They then reminded their hearers of the persecution under Queen Mary, of the gunpowder plot, of the massacre of the French Huguenots, and of the rebellion in Ireland; they attributed to the Catholics the burning of London, the destruction of the fleet at Chatham, and the subsequent fires in the metropolis; they painted in vivid colours all the horrors disclosed by Oates and his associates, the intended assassination of the king, the massacre of the Protestants, the auxiliary armies of French papists, of wild Irishmen, and of Spanish pilgrims; and they urged the death of Godfrey, the correspondence of Coleman, and the convictions of that intriguer, of Langhorne, and of the Jesuits. In the next place, they threw out menaces of vengeance against all who should presume to defame the king's witnesses, or affirm the innocence of the peers in the Tower; called on the Lords to display their love of truth, and zeal for the Protestant cause; and predicted that, if justice were done in this case, popery would be for ever banished out of the English world. Having thus prepared the minds of the audience, they called five witnesses, Dugdale, Oates, Prance, Turberville, and Denis, men whose very characters were a sufficient condemnation of the cause which they appeared to support. They deposed to things, many of them utterly incredible, and many morally impossible; that the pope, the cardinals, and the Jesuits had for several years made this, their design of assassinating the king, the subject of common discourse and of public sermons in Italy; that the moment the king should fall, the papists, confessedly a small body of men, would rise and cut the throats of the Protestants, and that such Protestants as had the good fortune to escape the knives of the assassins would nevertheless fall by the swords of the popish army, though whence that army was to come, or by what means it was to be raised, no man could describe or conceive. To the testimony of these men Lord Stafford was content to reply, that no part of it was in any manner applicable to him.[1]

On the second day the managers undertook to bring the charge home to the accused. Dugdale deposed to three facts: 1. That Lord Stafford, at a consult at Tixall, had given his consent to the king's death: 2. That on a subsequent Sunday, coming from Stafford to Tixall to hear mass, he met the deponent, and told him that the Catholic worship would soon be established in England: and 3. That on the 20th or 21st of September, sending for the witness to his chamber, he offered him five hundred pounds if he would undertake to assassinate the king. Dugdale was repeatedly urged to name the time of the consult; but he kept himself on his guard; though a latitude of ten, and subsequently of fourteen days was offered, still no ingenuity could extort from him any other answer than that it was held about the end of August, or the beginning of September, 1678.

Oates followed. Besides his pretended acquaintance with many letters, in which Lord Stafford had expressed his adhesion to the plot, he swore positively that he saw Fenwick deliver into the hands of the prisoner a patent from the general of the Jesuits, appointing him paymaster to the Catholic army. To Oates succeeded Turberville, a younger son of a Catholic family in Glamorganshire, who, finding himself reduced to poverty,

[1] Trial, 7—39.

had conformed to the established church, and put in his claim for the reward promised to informers.[1] This witness declared that in Paris he had been three weeks with Lord Stafford, who earnestly solicited him to murder the king. His deposition closed the case for the prosecution; and the prisoner was called upon for his defence. He observed, that he had good reason to believe that the doctrines so ostentatiously put forward by the managers, were not the doctrines of the church of Rome; at all events, they were not his doctrines; he had always looked on them with abhorrence, and therefore was not answerable for them; that his past life had borne witness to his loyalty, and had earned for him the approbation of his sovereign; and that his conduct on the first discovery of the plot was a satisfactory proof of his innocence. Had he been conscious that Oates the informer saw him accept the traitorous commission, and that others had been suborned by him to murder the king, would he not have sought to preserve his life by flight or concealment? Yet seven days afterwards he came publicly to London, and continued to attend his duty in parliament, till he was taken into custody. Again, two commissioners from the house of Lords, and subsequently others from the council, had come to him in the Tower with a promise of a full pardon, if he would only confess what he knew of the conspiracy. Was it to be conceived that, with the knowledge of the fate which had befallen those who were found guilty, and of the fate which awaited himself in the event of conviction, he would have refused the proposal, if he had been conscious of guilt? These things he offered as strong presumptions in his favour; and then requested the respite of a day to prepare for his defence. That the request was refused is already known to the reader.[2]

The following morning he boldly met the charges against him. Each of the three witnesses was, he maintained, a perjured villain; and whoever impartially considers his proofs must admit the truth of the assertion.[3] Of Dugdale he showed that the informer knew nothing of the pretended consult at Tixall, when he made his original deposition upon oath in December, 1678. It was seven months later, at the trial of Sir George Wakeman, that he first announced its existence to the public; but then he fixed it in the month of August, now he sought to transfer it to the beginning of September. But this artifice would not avail him. Lord Stafford, as was clearly proved, spent the month of August in Bath, and did not arrive at Tixall till the 12th of September, much too late to attend a consult there about the end of one month or the beginning of the other. Again, of the pretended offer of five hundred pounds on the 20th or 21st of September for the murder of the king, Dugdale was equally ignorant at the time of his original information. He then, indeed, mentioned an interview with Lord Stafford on the 20th; and charged him with saying, "that there was a design in hand, and that, if Dugdale would undertake it, he should have a good reward, and would make

[1] According to his sworn "information," he was at first gentleman usher to Lady Mary Molineux, and afterwards sent to Douai to become a friar, but ran away from the convent, which so enraged his relations, that his brother disinherited him.—Inform. 5, 7.

[2] Trial, 52—56, 65.

[3] Of course I must confine myself to the more important points of the case. Unfortunately Lord Stafford urged in addition a great variety of proofs, many of them more liable to objection from an ingenious opponent. This enabled the managers, by disputing the accuracy of his statements and the credit of some of his witnesses, to withdraw the attention of the court from that which constituted the most important part of his defence.

himself famous;" but, to learn the nature of this design, he hastened from Lord Stafford to Evers, the Jesuit, and by him, having previously taken an oath of secrecy, was informed that it had for its object the assassination of the king.[1] How could that deposition be reconciled with his testimony on the present trial? How could he be ignorant of the design, if he had already assisted at the consult in which it was determined, and had even received an offer of five hundred pounds to carry it into execution?

Against Oates Lord Stafford objected, 1. That this witness, according to his own testimony, not only pretended to be a Catholic while he was in reality a Protestant, but during his voluntary transactions with the Jesuits had lived in the practice of a religious worship which in his conscience he believed to be idolatrous. Was a man of this degraded character, a miscreant of such deep dissimulation and hypocrisy, one who would even commit idolatry for the accomplishment of his purpose, admissible as a witness in a court of justice? 2. Oates had stated that, if he had descended to such discreditable arts, it was to discover the secrets of the Jesuits; that he had succeeded in obtaining their confidence, had been employed by them to arrange all their papers, and to distribute their treasonable commissions, and yet, out of the multitude of documents which passed through his hands, he had not preserved a single line, to prove the truth of any one of his pretended discoveries. 3. This was not the first time that Oates had charged Lord Stafford upon oath. In one deposition he had made him secretary of state, in another he had named him without any office; and now he comes forward and swears that, three months before his first affidavit, he saw Lord Stafford receive from the hands of Fenwick, the Jesuit, a commission appointing him paymaster of the army. How was it possible to reconcile these different oaths, or to attach credit to the testimony of a man who had voluntarily taken them all?[2]

To the evidence of Turberville the prisoner opposed, 1. A solemn assertion that he was a perfect stranger to the person and name of the informer: 2. The testimony of the two servants who attended him in Paris, that they never saw Turberville in their master's house: 3. The acknowledgment of Turberville himself at the bar, that he knew not the servant, nor could describe the house, or the rooms, or their furniture; and, lastly, the depositions of different persons, that Turberville, after he had conformed to the established church, repeatedly asserted, and sometimes with oaths, that he knew nothing respecting the plot. In addition to these, Dr. Lloyd, the bishop of St. Asaph, at whose table Turberville, after his conversion, dined for the space of three months, might have testified the same, and with still greater effect; but a menace, artfully thrown out by Winnington in his opening speech, had terrified the prelate, and he thought it better to allow innocent blood to be shed, than to encounter in its defence the displeasure of the house of Commons.[3]

Three of the managers were heard

[1] Trial, 69—95, 103. This information may be seen in the Lords' Journals, xiii. 442.

[2] Trial, 95—102. See the depositions in State Trials, vi. 612; and L. Journ. xiii. 327.

[3] Lloyd, from having been Turberville's religious instructor, was enabled to judge that his testimony at the trial was nothing but fiction. Unfortunately, he had recently published a treatise, in which, to create dissension among the Catholic clergy, he had praised the secular priests at the expense of the religious orders (Burnet, ii. 259), and Winnington, to terrify the bishop, complained of this book in his opening speech, as "artificially written in favour of popery, and deserving what it would undoubtedly receive, a particular considera-

in reply. They maintained that the reality of the plot was now proved beyond dispute, and that the evidence against the prisoner was clear and conclusive; they dwelt minutely on all the weak points of his case, and the apparent inaccuracy of a part of his statements; and they urged the contradiction which had been given to some of his witnesses, and the probability that others, who were Catholics, had been previously tutored to serve his purpose; but the most important feature in the case,—the charge of perjury against their own witnesses, seems almost to have escaped their notice. The pretended consult at Tixall, a manifest forgery, they were content to waive, because the prisoner objected the uncertainty of Dugdale as to the time; and on the glaring inconsistency between the testimony of that witness, as well as that of Oates, and their original informations, they made no comment whatever. The condemnation of an innocent man seems not to have alarmed their consciences: they acted as if they thought it their duty to employ all the powers of their eloquence, all the resources of their ingenuity, to procure a conviction; leaving it to the court to detect the fallacy of their reasoning, to unravel the web which they had so artfully woven, to sift out the truth from that accumulation of chaff under which they had buried it. If injustice were done, the judges, not the advocates, were to be responsible.[1]

The prisoner now made his exceptions in point of law; of which the principal were, that impeachments in parliament determine at the dissolution of parliament, and that two witnesses are necessary to prove an overt act of treason. The first of these the Lords would not allow to be argued —it had already been decided by their house; on the second day they consulted the judges, who replied unanimously that it was sufficient if one witness proved one overt act, and a second another, both being directed towards the accomplishment of the same treason. It is difficult to believe that such could be the original meaning of the legislature, if we consider the real object for which the statute of treasons passed. But this explanation was first given under the commonwealth in the trial of Love before the high court of justice; it was adopted by the judges at the restoration in the trials of the regicides, and has ever since continued to be the doctrine of the courts.[2]

On the seventh day the Lords assembled in the hall; the high steward called on them in order, beginning with the junior baron; and each, placing his right hand on his breast, pronounced his judgment "upon his honour." Out of eighty-six voices, one-and-thirty declared the prisoner innocent, fifty-five guilty. He was now introduced, and informed of the unfavourable result. It proved far different from what he had anticipated; but he mastered his feelings. "God's holy name be praised," was his answer. "I confess I am surprised at it; but God's will be done, and your lordships'; I will not murmur at it. God forgive those who have sworn falsely against me." The Commons in a body, with the speaker at their head, demanded judgment; and the high steward, after a laboured speech, which showed, if he spoke his real sentiments, how miserably prejudice had benighted his understanding, or, if he did not, how anxiously he sought

tion." The prelate, urged by conscience on one side, and deterred by fear on the other, consulted his friends whether he was bound to come forward in the defence of innocence at the risk of bringing on his own head the vengeance of the house of Commons, and they very indulgently resolved the case in favour of his timidity.—Burnet, ii. 258.

[1] Trial, 169—192. [2] Trial, 193—198.

to conciliate the victorious party,[1] adjudged the prisoner to suffer the usual punishment of traitors. "My lords," said the unfortunate viscount, "give me leave to speak a few words. I thank you for all your favours to me. I do here, in the presence of Almighty God, declare that I have no malice in my heart against those who have condemned me. I know not who they are, nor desire to know. I forgive them all, and beseech your lordships all to pray for me. But I have one humble request to make, that for the short time I have to live I may not be a close prisoner, as I have been of late, but may be allowed to see my wife and children, and friends." The request was granted, with a promise that the Lords would also be suitors to his majesty to remit every part of the punishment but the striking off his head. At these words he burst into tears; but, suddenly collecting himself, said, "My lords, it is not your justice, but your kindness, that makes me weep."[2]

That Lord Stafford should have been condemned by so numerous a majority must have provoked the surprise of the reader. But he should recollect that the same object will often appear in a very dissimilar light to the spectator who views it calmly from a distance, and to the man who acts under the influence of public excitement, and with a judgment swayed by the views and prejudices of party. It is also to be remembered that Lord Stafford was not arraigned before a jury of indifferent individuals; his fate was decided by the votes of men who were parties to the prosecution, and interested in his conviction. The house of Lords had been employed for two sessions in investigating the plot, in procuring evidence, in forwarding the trials of the accused. They had excited the passions of the people by their votes, had published their conviction of the existence of the plot, had made that conviction the ground of a severe persecution of the whole body of Catholics, and had thrown into prison the persons who ventured to express a doubt of the honesty of the informers. Had they now, in opposition to the positive oaths of the same informers, acquitted the prisoner, they would have done what they so arbitrarily punished in others; they must have acknowledged that the plot was a fiction; they must have taken shame to themselves for the excitement, the miseries, and the bloodshed which they had caused. It should, moreover, be observed, that the trial came on at a moment most unfavourable to the noble prisoner, immediately after the rejection of the bill of exclusion, when one party was goaded almost to madness by the sting of disappointment, and the other, alarmed by the threats, sought to pacify the vengeance of their adversaries.[3] It will not then excite surprise if, under the influence of such motives, many were disposed to look rather to the testimony of the witnesses than to the objections against their veracity; and to persuade themselves that, if they judged wrongly, the blame must rest, not with themselves, but with those by whose oaths they had been deceived.[4]

[1] I should think the last was his object. What other purpose could he tell Lord Stafford that now no man could doubt that London was burnt by the papists—a subject on which not one tittle of evidence had been given at the trial?—State Trials, 1556.

[2] Trial, 209—214.

[3] This certainly appears from their refusal of granting Lord Stafford a day's preparation for his defence.

[4] North, Examen, 219. "Very few of the lords who found him guilty would own that they gave full credit to the witnesses. The chief justice North asked how, then, they could condemn him? In answer, he was told that they were bound by the legal proof of facts, and the witnesses, by swearing to the facts, had furnished such proof: to which he replied, that peers, like juries, had to weigh the credibility both of the persons

Among the friends, or pretended friends, who visited Lord Stafford after his condemnation, were Doctor Burnet and the bishop of London. They exhorted him to attend to the welfare of his soul, and offered to point out to him the erroneous doctrines of the church of Rome. He replied that his time was so short, and therefore so precious, that he could not afford to spend it in religious controversy. From the care of the soul they descended to that of the body. To one of their inquiries he replied, that of a conspiracy against the king he had neither any knowledge nor so much as a suspicion. Many projects for the purpose of obtaining toleration had, indeed, been agitated among the Catholics. These he might disclose as the price of his life, though that disclosure would earn for him the displeasure of the duke of York. This last hint produced its effect. Burnet brought him a message from Lord Essex, Lord Russell, and Sir William Jones, that if he would discover what he knew respecting such designs, particularly respecting the conduct of the duke, he should be excused from confessing the charges against himself; and the earl of Carlisle informed the Lords that his unfortunate kinsman would be ready in the course of two days to give full information of all that he knew in reference to the plot. But the house refused to wait; and, with the king's permission, Lord Stafford was immediately placed at the bar. He said, that the Catholics had made several attempts to procure an abolition, or at least a mitigation, of their sufferings. Long ago he himself had proposed to exchange the fines and penalties, to which they were subject, for the annual payment of one hundred thousand pounds to the king. Lord Shaftesbury, who was then chancellor of the exchequer, approved the offer; but the Catholics objected to so large a sum, and the project was abandoned. Subsequently a measure of relief, founded on a new oath of civil allegiance, was brought into parliament, but lost through the obstinacy of Lord Bristol. After this the opposition of Lord Clarendon and the bishops to the declaration of indulgence extinguished his hopes, which, however, were subsequently rekindled by the report of the conversion of the duke of York to the Catholic faith. It was then proposed to form a coalition between the Catholics and the country party, for the purpose of procuring, in the first place, the dissolution of the parliament, and in the next, the toleration of the Catholic worship. This plan obtained the approbation of all to whom he had submitted it, of the duke of York, of the lord chancellor, and of Lord Shaftesbury. But the moment Shaftesbury was mentioned, the house interrupted his discourse. He was brought there, not to defame the great champion of Protestantism, but to disclose the particulars of the plot; and, on his solemn protestation that he had never any knowledge of the plot, he was remanded to the Tower.[1]

The same day the sheriffs received the warrant for his decapitation, but disputed its validity.[2] They could not conceive why the king should in-

and the things."—Lives of the Norths, i. 328.

[1] Lords' Journals, 721. Reresby, 109. Echard, 997. Burnet, ii. 264. Lord Stafford left behind him an autograph copy of this communication. The latter part of it has been lost: from the first portion of it I have been enabled to correct some errors of the preceding authorities.

[2] "I think it a terrible thing," says James, "to sign a warrant for putting a man to death upon the testimony of such perjured villains as those who deposed against Lord Stafford; and I hope his majesty will have considered the trouble it was ever after to the king his father the having signed the warrant for the execution of Lord Strafford; and, if it be not too

terfere at all with the execution. The cause had not been tried before him: the house of Lords had pronounced the judgment, and it was for the same court to enforce it. In this pretended perplexity, they applied by petition to the Lords, and received for answer that "the king's writ ought to be obeyed." They were not, however, satisfied: they began to question the authority of the Lords also; and solicited the direction of the house of Commons. At their request the four following queries were laid before that house: "Can the king, being neither party nor judge, order the execution? Can the Lords award the execution? Can the king dispense with any part of the execution? If he can dispense with a part, why not with all?" But the majority of the Commons betrayed no wish to entertain a subject which would have drawn after it an altercation both with the king and the Lords; and, on the motion of Sir William Jones, the petitioners were informed, that "the house was content the sheriffs should execute William, late Viscount Stafford, by severing his head from his body only." The suggestion obtained for Jones the reputation of ingenuity: a vote more insulting to the sovereign could not easily have been devised.[1]

Much conjecture was expended respecting the motives which actuated the sheriffs. They were Cornish and Bethel, who after a long contest had been returned in opposition to the court;[2] and their professed devotion to Shaftesbury and his more intimate associates provoked a strong suspicion that they were advised and guided by that nobleman. But what was the object? It could not be that any doubt was seriously entertained of the king's right. That right had been uniformly exercised without dispute by preceding monarchs. Scarcely a reign had passed without the conviction or attainder of some peer for treason; and in every instance, when the judgment was carried into effect, the execution took place in virtue of a similar warrant, and by the same manner of death. It is equally difficult to believe that the same spirit of remorseless bigotry which displayed itself by the burst of congratulation at the trial, could pursue its victim after condemnation, and seek to increase the bitterness of his death by adding to the poignancy of his sufferings and the ignominy of his punishment. Perhaps it was one of those dark and dangerous contrivances, which teemed in the prolific brain of Shaftesbury, and of which the object was to point the clamour of the people against the court, by holding out the king as the friend and favourer of the papists.[3]

late, why should not you put him in mind of it, it being a terrible thing the shedding the blood of an innocent man, as I am most confident Lord Stafford is."—Letter to Hyde, Clar. Cor. i. 50.

[1] L. Journ. xiii. 724. C. Journ. Dec. 23. Parl. Hist. iv. 1261. State Trials, vii. 1502. North, 219. It is observed by Mr. Hargrave, that in this warrant (see it, Trial, 215) the judgment against Lord Stafford is stated to be, not by the king, or the king and Lords, or with the assent of the king, but by the Lords only, not the Lords temporal or spiritual, or the Lords generally, but expressly by the Lords temporal.—Opinion and Argument of Mr. Hargrave, p. 86.

[2] They were chosen at the usual time, Midsummer-day, but, as they refused to receive the sacrament and abjure the covenant, a new election was fixed for the 14th of July. Before that time they qualified, and were opposed by Nicholson and Boxin the interests of the court. At the close of the poll, the numbers stood for Cornish 2,483, Bethel 2,276, Box 1,428, and Nicholson 1,230.—Echard, 989.

[3] If we may believe Echard (p. 1035), "Lord Russell's zeal against Lord Stafford transported him so far, that he was one of those who, with Bethel, Cornish, &c. questioned the king's power in allowing that lord to be only beheaded." In another place he says that Charles, alluding to this, said, when he granted the same mitigation to him after his condemnation, "My Lord Russell will now see that I have a power to change his sentence."—Id. p. 1034.

Supported by the consciousness of innocence, and by the persuasion that he was about to perish a martyr to his religion, Stafford proceeded with a steady step and cheerful countenance to the place of execution. The severity of the weather induced him to ask for a cloak, lest, as he said, if he should tremble through cold, it might be taken for a symptom of fear. At his appearance a few yells and groans were heard; and to his request that the sheriffs would interfere, we are told that Cornish returned this brutal answer: "I am ordered to stop no one's mouth but your own." As, however, he passed on, the people treated him with respect, and many uncovered their heads. From the scaffold he delivered a long speech with a firm voice and much animation. He indignantly repelled the foul calumnies which had been uttered against his religion at his trial, and asserted his own innocence in the most energetic terms. He declared on his salvation that he had never in his life spoken to either Oates or Turberville, nor more than twice or thrice to Dugdale, and then only on trifling matters, and always in the presence of others.[1] Falling on his knees, he pronounced aloud a prayer composed for the occasion, and rising, once more protested his innocence. The spectators listened to him with bare heads, and answered with cries of "We believe you, my lord — God bless you, my lord!" Having embraced his friends, he knelt down and stretched himself on the block. The executioner poised the axe in the air, as if he were taking aim; but suddenly checking himself, brought it down again to his feet. Lord Stafford, raising his head, inquired the cause of the delay; and was told that he waited for a sign: "Take your own time," he replied; "I shall make no sign." "Do you forgive me, sir?" said the executioner. "I do," was his reply. After this short dialogue, he resumed his former posture, and at one stroke his head was severed from the body. The spirit with which he had defended himself at his trial surpassed the expectations of his friends and confounded the hopes of his enemies; and his Christian piety and fearless deportment on the scaffold confirmed the growing opinion of his innocence. The patrons of the plot derived no benefit from his death.[2]

[1] See "The Speech of Wm. late Lord Viscount Stafford, London, printed for Wm. Bailey, 1680." Four drafts of this speech, in the hand of the unfortunate viscount, are in the possession of Lord Stafford.

[2] Trial, 218. State Trials, vii. 1563, 1568. Burnet, ii. 266. Echard, 997. Reresby, 112. See Appendix, FFFF. Reresby, a few days before (Dec. 24), attended the king's *couchée* for two hours. Charles "seemed quite free from care and trouble, though one would have thought at this time he should have been overwhelmed therewith: for everybody now imagined he must either dismiss the parliament in a few days, or deliver himself up to their pressing desires; but the straits he was in seemed no ways to embarrass him" (p. 110).

APPENDIX.

NOTE AAAA, p. 39.

Extract of a Letter from Charles II. to the Lord Chancellor.

"Now I am on this matter, I thinke it necessary to give you a little good councell in it, least you may thinke that by making a further stirr in the businesse, you may diverte me from my resolution, which all the world shall never do; and I wish I may be unhappy in this world and in the world to come, if I faile in the least degree of what I have resolved, which is of making my Lady Castlemaine of my wive's bedchamber, and whosoever I finde use any endeavour to hinder this resolution of myne (excepte it be only to myselfe), I will be his enemy to the last moment of my life. You know how true a friend I have been to you. If you will oblige me eternally, make this businesse as easy to me as you can, of what opinion soever you are of; for I am resolved to go through with this matter, let what will come of it, which again I solemnly swear before Almighty God. Therefore, if you desire to have the countenance of my friendship, medle no more with this businesse, except it be to beat down all false and scandalous reports, and to facilitate what I am sure my honour is so much concerned in. And whosoever I find to be my Lady Castlemaine's enemy in this matter, I do promise upon my word to be his enemy as long as I live. You may shew this letter to my lord lieutenant (Ormond), and if you have both a minde to oblige me, carry yourselves like friends to me in this matter."—Lansdowne MSS. 1206, 121.

NOTE BBBB, p. 92.

The Secret Treaty of 1670.

[This important treaty was kept secret till the year 1830, when the late lord Clifford permitted me to publish it from the original in his possession.]

CHARLES R.

Charles par la grace de dieu roy de la Grande-Bretagne, France et Irelande, defenseur de la foye, à tous ceux qui ces présentes lettres verront, Salut. Ayant leu et meurement consideré les pouvoirs du sieur Colbert, ambassadeur de nostre très-cher et très-amé frère et cousin le roy très-chrestien dattés du 31 Octobre, 1669,

par lesquels notre dit frère luy donne autorité de conférer avec les commissaires, que nous pourrions nommer, traicter, conclurre, et signer des articles d'une plus étroitte amitié, liaison et confédération entre nous, et déclare que nulle autre alliance ne luy peut estre plus agréable ny plus avantageuse à ses sujets, nous qui sommes dans les mesmes dispositions, et qui n'avons point de désir plus ardent que de nous lier d'une amitié parfaite et indissoluble avec nostre dt frère, y estant conviés et par la proximité du sang, l'affection et estime que nous avons pour sa personne, les avantages qui en reviendront aux peuples que dieu a sousmis à nostre obéissance, et sur tout l'appuy et assistance, que nous nous pouvons promettre de l'amitié et du zele d'un si puissant allié dans le dessein que nous avons (avec la grace de dieu) de nous reconcilier avec l'église Romaine, donner par la le repos à nostre conscience, et procurer le bien de la religion catholique, Sçavoir faissons q'ayans une entiére confiance en la fidélité, suffisance, zele, et prudence de nostre très-féal et bien-amé le my lord Arlington, conseillier en nostre conseil privé et nostre premier secrétaire d'estat ; nostre très-féal et bein-amé le my lord Arundel de Warder ; nostre très-féal et bien-amé le sieur chevalier Clifford, conseillier en nostre conseil privé, thrésorier de nostre maison, et commissaire de nos finances ; nostre féal et bien-amé le sieur chevalier Bellings, secrétaire des commandmens de la reyne nostre très-chere espouse, nous avons les dits my lords Arlington et Arundel les sieurs chevaliers Clifford et Bellings commis, ordonné, et député, commettons, ordonnons, et députons par ces présentes signées de nostre main, et leur avons donné et donnons plein pouvoir, autorité, commission, et mandement spécial, de conférer avec ledit sieur Colbert, ambassadeur de nostre très-cher et très-amé frère et cousin le roy trèschrestien, des moyens de parvenir à l'establissement d'une plus estroitte amitié, liaison et confédération entre nous et traicter et convenir ensemble, et sur iceux conclurre, et signer tels articles et conventions que nos dits commissaires aviseront bon estre tant sur le fait du commerce, que sur toutes autres sortes d'affaires et d'intérests, et mesme de ligues offensives et deffensives, et generallement faire, negotier, promettre, accorder et signer tout ce qu'ils estimeront nécessaire pour les effets cy dessus dits : Promettant, foye et parolle de roy, sous l'obligation et hypothéque de tous nos biens présens et à venir de tenir ferme et stable, et d'accomplir, sans jamais y contrevenir n'y permettre qu'il y soit contrevenu, tout ce qui par nos dits commissaires aura esté stipulé, promis et accordé en vertu du présent pouvoir, et d'en faire expédier nos lettres de ratification en bonne forme, et les fournir dans le temps qu'il nous y auront obligez ; en tesmoing de quoy nous avons fait mettre aux dites présentes le séel de nostre secret. Donné à Whitehall le quinziesme de Décembre, l'an mil six cens soixante et neuf, et de nostre regne le vingt et uniesme.

Par commandement de sa Mte

ARLINGTON.

Au nom de Dieu tout puissant soit notoire à tous et un chacun, que comme ainsi soit que le sérénissime et très-puissant prince Charles second par la grace de dieu roy de la Grande-Bretagne, et le sérénissime et très-puissant prince Louis quatorziesme par la mesme grace de dieu roy trèschrestien, auroient tousjours donné tous leurs soins et toute leur application à procurer à leurs sujets une félicité parfaite, et que leur propre expérience leur auroit assés fait connoistre que ce bonheur commun ne se peut rencontrer que dans une très estroitte union, alliance, et confédération entre leurs personnes et les pays et estats qui leur sont sousmis, à quoy s'estant trouvés esgallement portés, tant par la sincere amitié et affection que la proximité du sang, celle de leurs royaumes, et beaucoup d'autres covenances ont estably entre

eux, et qu'ils ont conservé chèrement au plus fort des desmêlés que les intérests d'autruy leur ont fait avoir ensemble, que par le désir qu'ils ont de pourvoir à la seureté de leurs dits pays et estats, comme aussy au bien et à la commodité de leurs sujets dont le commerce doit recevoir dans la suite du temps de notables avantages de cette bonne correspondence et liaison d'intérests; les dits seigneurs roys pour exécuter ce saint et louable désir, et pour tousjours fortifier, confirmer, et entretenir la bonne amitié et intelligence qui est à present entre eux, ont commis et député chacun de sa part, sçavoir ledit seigneur roy de la Grande-Bretagne le my lord Arlington, conseillier au conseil privé de sa majesté, et son prémier secrétaire d'estat, le my lord Arundel de Warder, le sieur chevalier Clifford, conseillier au conseil privé de sa majesté, thrésorier de sa maison, et commissaire de ses finances, le s^r^ chevalier Bellings, secrétaire des commandemens de la reyne de la Grand-Bretagne, et ledit seigneur roy très-chretien le sieur Charles Colbert, seig^r^ de Croissy, conseillier ord^re^ de sa majesté en son conseil d'estat, et son ambassadeur ordinaire vers sa majesté de la Grande-Bretagne, suffisament autorisés, ainsy qu'il apparoistra par le teneur des dits pouvoirs et commissions à eux respectivement donnés par lesdits seigneurs roys et insérés de mot à mot à la fin de ce présent traicté, en vertu des quels pouvoirs ils ont accordé au noms des susdits seigneurs roys les articles qui ensuivent.

1. Il est convenu, arresté et conclu qu'il y aura à toute pérpétuité bonne secure et ferme paix, union, vraye confraternité, confédération, amitié, alliance, et bonne correspondence entre le dit seigneur roy de la Grande-Bretagne, ses hoirs, et successeurs d'une part, et le dit seigneur roy très-chrétien de l'autre, et entre tous et chacun de leurs royaumes, estats et territoires, comme aussy entre leurs sujets et vassaux, qu'ils ont ou possèdent à présent, ou pourront avoir, tenir, et posséder cy après, tant par mer et autres eaux que par terre: et pour tesmoigner que cette paix doit estre inviolable sans que rien au monde la puisse à jamais troubler il s'ensuit des articles d'une confiance si grande, et d'ailleurs si avantageuse aux dits seigneurs roys, qu'à peine trouvera-t-on que dans aucun siécle on en ait arresté et conclu de plus importans.

2. Le seigneur roy de la Grande-Bretagne estant convaincu de la vérité de la religion catholique, et résolu d'en faire sa déclaration, et de se réconcilier avec l'eglise Romaine aussy tost que le bien des affaires de son royaume luy pourra permettre, a tout sujet d'espérer et de se promettre de l'affection et de la fidélité de ses sujets qu'aucun d'eux, mesme de ceux sur qui dieu n'aura pas encore asses abondamment respandu ses graces pour les disposer par cet example si auguste à se convertir, ne manqueront jamais à l'obeissance inviolable que tous les peuples doivent à leurs souverains mesme de religion contraire; néantmoins comme il se trouve quelques fois des esprits brouillons et inquiets qui s'efforcent de troubler la tranquillité publique principalment lorsqu'ils peuvent couvrir leurs mauvais desseins du prétexte plausible de religion, sa majesté de la Grande-Bretagne qui n'a rien plus à coeur (après le repos de sa conscience) que d'affermir celuy que la douceur de son gouvernment a procuré à ses sujets, a crû que le meilleur moien d'empécher qu'il ne fust alteré, seroit d'estre asseuré en cas de besoin de l'assistance de sa majesté très-chrestienne, laquelle voulant en cette occasion donner au seigneur roy de la Grande-Bretagne des preuves indubitables de la sincérité de son amitié, et contribuer au bon succès d'un dessein si glorieux, si util à sa majesté de la Grande-Bretagne, mesme à toute la religion catholique, a promis et promet de donner pour cet effet au dit seigneur roy de la Grande-Bretagne la somme de deux millions de livres tournoises dont la

moitié sera payée trois mois après l'eschange des ratifications du présent traicté en espece à l'ordre dudit seigneur roy de la Grande-Bretagne à Calais, Dieppe, ou bien au Havre de Grace, ou remis par lettres de change à Londres au risques, perils et frais dudit seigneur roy très-chrestien, et l'autre moitié de la mesme maniére dans trois mois après : et en outre ledit seigneur roy très-chrestien s'oblige d'assister de troupes sa majesté de la Grande-Bretagne, jusq'au nombre de six mille hommes de pied s'il est besoin, est mesme de les lever et entretenir à ses propres frais et despens, tant que ledit seigneur roy de la Grande-Bretagne jugera en avoir besoin pour l'exécution de son dessein ; et lesdites troupes seront transportées par les vaisseaux du roy de la Grande-Bretagne en tels lieux et ports qu'il jugera le plus à propos pour le bien de son service, et du jour de leur embarquement seront payées, ainsy qu'il est dit, par sa majesté très-chrestienne, et obéiront aux ordres du dit seigneur roy de la Grande-Bretagne ; et le temps de ladite déclaration de catolicité est entiérment remis au choix dudit seigneur roy de la Grande-Bretagne.

3. Item a esté convenu entre le roy très-chrestien et sa majesté de la Grande-Bretagne que ledit seigneur roy très-chrestien ne rompra ny n'enfriendra jamais la paix qu'il a fait avec l'Espagne, et ne contreviendra en chose quelconque à ce qu'il a promis par le traicté d'Aix la Chapelle, et par conséquent il sera permis au roy de la Grande-Bretagne de maintenir ledit traicté conformément aux conditions de la triple alliance, et des engagemens qui en dépendent.

4. Il est aussy convenu et accordé que s'il écheoit cy-après au roy très-chrestien de nouveaux tiltres et droits sur la monarchie d'Espagne, ledit seigneur roy de la Grande-Bretagne assistera sa majesté très-chrestienne de toutes ses forces tant par mer que par terre, pour luy faciliter l'acquisition desdits droits, le tout suivant les conditions particuliéres dont lesdits seigneurs roys se reservent de convenir tant pour la jonction de leurs forces après que le cas de l'escheance desdits tiltres et droits sera arrivé, que pour les avantages que ledit seigneur roy pourra raisonnablement désirer : et lesdits seigneurs roys s'obligent reciproquément des à présent de ne faire aucun traicté de part n'y d'autre pour raisons desdits nouveaux droits et tiltres avec aucun prince ou potentat quel que ce puisse estre que de concert et du consentement de l'un et de l'autre.

5. Lesdits seigneurs roys ayant chacun en son particulier beaucoup plus de sujets qu'ils n'en auroient besoin pour justifier dans le monde la résolution qu'ils ont pris de mortifier l'orgueil des estats généraux des provinces unies de Pays Bas, et d'abbatre la puissance d'une nation qui s'est si souvent noircie d'une extrême ingratitude envers ses propres fondateurs et créateurs de cette république, et laquelle mesme a l'audace de se vouloir aujourd'huy eriger en souverains arbitres et juges de tous les autres potentats, il est convenu, arresté et conclu, que leurs majestés déclareront et feront la guerre conjointement avec toutes leurs forces de terre et de mer aux dits estats généraux des provinces unies des Pays Bas, et qu'aucun desdits signeurs roys ne pourra faire de traicté de paix, de trèves, ou de suspension d'armes avec eux, sans l'avis et le consentment de l'autre, comme aussi que tout commerce entre les sujets desdits seigneurs roys et ceux desdits estats sera défendu, et que les navires et biens de ceux qui trafiqueront nonobstant cette défence pourront estre saisis par les sujets de l'autre seigneur roy, et seront réputés de juste prise ; et tous traictés précedens faits entre lesdits estats et aucun desdits seigneurs roys ou leurs prédécesseurs démeureront nuls, excepté celuy de la triple alliance fait pour la manutention du traicté d'Aix la Chapelle, et si après la déclaration de

la guerre on prend prisonniers les sujets d'aucun desdits seigneurs roys qui seront enrollés au service desdits estats, ou s'y trouveront actuellement, ils seront exécutés à mort par la justice dudit seigneur roy dont les sujets les auront pris.

6. Et pour faire et conduire cette guerre aussy heureusement que lesdits seigneurs roys espérent de la justice de la cause commune, il est aussy convenu que sa majesté trèschrestienne se chargera de toute la despense, qu'il conviendra faire pour mettre sur pied, entretenir, et faire agir les armées nécessaires pour attaquer puissamment par terre les places et pays desdits estats, ledit seigneur roy de la Grande-Bretagne s'obligeant seulement de faire passer dans l'armée dudit seigneur roy trèschrestien, et d'y entretenir tousjours à ses despens un corps de six mil hommes de pied, dont le commandant sera général, et obéira à sa majesté trèschrestienne, et à celuy qui commandera en chef l'armée, ou ledit corps de troupes servira comme auxiliare, lequel sera composé de six régimens de dix compagnies chacun, et de cent hommes chaque compagnie : et lesdites troupes seront transportées et débarquées en tels ports ou havres et en tel temps qu'il sera concerté cy-apres entre lesdits seigneurs roys ; ensorte néantmoins qu'elles puissent arriver aux costes de Picardie, ou tel autre lieu qui sera concerté, au plus tard un mois après que les flottes se seront jointes aux environs de Portsmouth, ainsy qu'il sera dit cy-après.

7. Et pour ce qui regard la guerre de mer ledit seigneur roy de la Grande-Bretagne se chargera de ce fardeau, et armera au moins cinquante gros vaisseaux, et dix bruslots, auxquels le dit seigneur roy trèschrestien s'obligera de joindre une escadre de trente bons vaisseaux François, dont le moindre portera quarante piéces de canon, et un nombre de bruslots suffisant jusques à dix mesme s'il est necessaire, à proportion de se qu'il y en devra avoir en la flotte ; laquelle escadre de vaisseaux auxiliaires Francois continuera à servir durant le temps de ladite guerre aux frais et despens de sa majesté trèschrestienne, et en cas de perte d'hommes et de vaisseaux, ils seront remplacés le plustot qu'il se pourra par sa majesté trèschrestienne et ladite escadre sera commandée par un vice-admiral ou lieutenant-général François qui obéira aux ordres de son altesse royale monseigneur le duc de Yorke en vertu des pouvoirs que lesdits seigneurs roys donneront audit seigneur duc, chacun pour les vaisseaux qui luy appartiennent ; et pourra ledit seigneur duc attaquer et combattre les vaisseaux Hollandois, et faire tout ce qu'il jugera le plus à propos pour le bien de la cause commune, jouyra aussy de l'honneur du pavillon, des saluts, et des toutes les autres autorités, prérogatives, et preéminences dont les admiraux ont coutume de jouir, et d'autre part aussy le dit vice-admiral ou lieutenant-général François aura pour sa personne la préséance dans les conseils, et pour son vaisseau et pavillon de vice-admiral celle de la marche sur le vice-admiral et vaisseau de ce nom Anglois. Au surplus les capitains, commandans, officiers, matelots et soldats de l'une et de l'autre nation se comporteront entre eux amicablement, suivant le concert qui sera fait cy-après, pour empêcher qu'il n'y arrive aucun incident qui puisse altérer la bonne union ; et afin que le dit seigneur roy de la Grande-Bretagne puisse plus facilement supporter les frais de cette guerre, sa majesté trèschrestienne s'oblige à payer tous les ans audit roy tant que ladite guerre durera en la maniére susdite la somme de trois millions de livres tournoises, dont le premier payement qui cera de sept cens cinquante mille livres tournoises, se fera trois mois avant la déclaration de la guerre, le second de pareille somme dans le temps de ladite déclaration, et le reste montant à quinze cens mille livres tournoises six mois après ladite déclaration : et en années suivantes le prémier payement qui sera de sept cens cinquante mille livres tournoises se fera au prémier de

Febrier, le second de pareille somme au prémier de May, et le troisième montant à quinze cens mille livres tournoises au quinsiéme d'Octobre, lesquelles sommes seront payées en espece à l'ordre du roy de la Grande-Bretagne, à Calais, Dieppe, ou Havre de Grace, ou bien remises par lettres de change à Londres, aux risques, perils, et frais dudit seigneur roy trèschrestien. Il a esté aussy convenu et arresté que ledit seigneur roy de la Grande-Bretagne ne sera obligé de déclarer cette guerre, jusqu'à ce que l'escadre auxiliare desdits trente vaisseaux de guerre Francois et dix bruslots seront joints avec la flotte Angloise aux environs de Portsmouth : et de toutes les conquestes qui se feront sur les estats généraux sa majesté de la Grande-Bretagne se contentera des places qui s'ensuivent ; sçavoir l'isle de Walkeren, l'escluse avec l'isle de Cassants, et la maniére d'ataquer et de continuer la guerre sera adjustée par un réglement qui sera cy-apres concerté, et d'autant que la dissolution du gouvernment des estats généraux pourroit apporter quelque préjudice au prince d'Orange, neveu du roy de la Grande-Bretagne, et mesme qu'il se trouve des places, villes et gouvernmens qui luy appartient dans le partage qu'on se propose de faire du pays, il a esté arresté et conclu que lesdits seigneurs roys feront leur possible à ce que le dit prince trouve ses avantages dans la continuation et fin de cette guerre : ainsy qu'il sera cy-après stipulé dans des articles à part.

8. Item a esté arresté qu'avant la déclaration de cette guerre lesdits seigneurs roys feront tous leurs efforts conjointment ou en particulier, selon que l'occasion le pourra requérir, pour persuader aux roys de Suede et de Dennemark ou à l'un d'eux d'entrer en cette guerre contre les estats généraux, au moins de les obliger de se tenir neutres, et l'on taschera de mesme d'attirer dans ce party les électeurs de Cologne et de Brandenbourg, la maison de Brunswick, le duc de Neubourg et l'esvesque de Munster. Les dits seigneurs roys feront aussy leur possible pour persuader mesme à l'empereur et la couronne d'Espagne de ne s'opposer pas à la conqueste dudit pays.

9. Il est pareillement convenu et accordé qu'apres que le dit seigneur roy de la Grande-Bretagne aura fait la déclaration spécifiée au second article de ce traicté, qu'on espére moyennant la grace de dieu devoir estre suivi d'un heureux succès, il sera entiérement au pouvoir et au choix dudit seigneur roy trèschrestien de déterminer le temps auquel lesdits seigneurs roys devront faire la guerre avec leurs forces unies contre les estats généraux : sa majesté de la Grande-Bretagne promettant d'en faire aussy sa déclaration conjointment dans le temps que sa majesté trèschrestienne jugera estre le plus propre pour cet effect, ledit seigneur roy de la Grande-Bretagne estant asseuré que sa majesté trèschrestienne nommant ledit temps aura esgard aux intérests des deux couronnes, qui après la conclusion de ce traicté seront communs à tous deux et inséparables.

10. Si dans aucun traicté précédent fait par l'un ou l'autre desdits seigneurs roys avec quelque prince ou estat que ce soit, il se trouve des clauses contraires à celles qui sont spécifiées dans cette ligue, lesdites clauses seront nulles, et celles qui sont contenues dans ce présent traicté demeureront dans leur force et vigueur.

Et pour d'autant plus unir les esprits et intérests des sujets desdits seigneurs roys, il a esté convenu que le traicté de commerce que se fait à présent, s'achevra au plûtot qu'il se pourra.

Lesquels points et articles cy dessus énoncés ensemble, et tout le contenu en chacun d'iceux ont esté traictés, accordés, passés, et stipulés entre le my lord Arlington, le my lord Arundell de Warder, le sieur chevalier Clifford, et le sieur chevalier Bellings, commissaires de sa majesté de la Grande-Bretagne, et le sieur

Colbert, ambassadeur de sa majesté trèschrestienne, aux noms desdits seigneurs roys, et en vertu de leurs pouvoirs dont les copies sont insérées au bas du présent traicté. Ils ont promis et promettent sous l'obligation de tous et chacuns des biens et estats présens et à venir desdits seigneurs roys qu'ils seront par leurs majestés inviolablement observés et accomplis, et de s'en bailler et délivrer réciproquement dans un mois du jour et datte des présentes, et plustost, si faire se peut, les lettres de ratification desdits seigneurs roys en la meilleure forme que faire se pourra : et d'autant qu'il est absolument nécessaire pour le bon succès de ce qui est stipulé par le présent traicté, de le tenir fort secret, jusq'à ce qu'il soit temps de le mettre à exécution, lesdits sieurs commissaires et ambassadeur sont demurés d'accord, qu'il suffira pour la validité du dit traicté que les ratifications desdits seigneurs roys soient signées de leurs propres mains, et cachetées du seau le leur secret, que lesdits seigneurs roys déclareront dans les dites lettres de ratification avoir pour cet effect la mesme force que si leur grand seau y estoit apposé, ce que mesme chacun d'eux s'obligera de faire aussy tost qu'il le pourra, et qu'il en sera requis. En foy de quoy les dites sieurs commissaires et ambassadeur ont signé le présent traicté et à iceluy fait apposer le cachet de leurs armes. A Douvres ce vingt et deuxiesme jour du mois de May l'an de grace mil six cens soixante et dix.

COLBERT. ⊙

⊙ Arlington.
⊙ T. Arundell.
⊙ T. Clifford.
⊙ R. Bellings.

There follow three additional secret articles signed at Dover the same day. By the first, if Charles could not spare six thousand men, Louis was to be content with four ;—by the second, if the duke of York were to retire from the command of the fleet, the English admiral was to enjoy all the command and powers which the duke ought to possess ; and, by the third it was agreed, that the stipulation in favour of the prince of Orange should not prevent the other powers from making war conjointly at the time stipulated by the 9th article.

In another paper is a declaration, that if in the treaty or the powers of the negotiators, il se trouve quelque chose dans les tiltres et qualités des roys nos maistres, qui soit contraire à la pluralité des traictés qui ont ete faits entre l'Angleterre et la France, tant sous le regne du feu roy d'Angleterre Charles prémier, que sous celuy du roy regnant à présent, nous le réformerons avant l'eschange des ratifficatıons du dit traicté, et sans retardment d'icelle.

NOTE CCCC, p. 92.

On the day of the death of Henrietta, duchess of Orleans, Louis wrote the following letter of condolence to Charles :—

Versailles, le 30 Juin, 1670.

Monsieur mon frere,—La tendre amitié que j'avois pour ma sœur vous étoit assez connue pour n'avoir pas de peine à comprendre l'était ou m'a réduit sa mort. Dans cet accablement de douleur je puis dire que la part que je prends à la vôtre, pour la perte d'une personne qui vous étoit si chére aussi bien qu'à moi, est encore un surcroît à l'excès de mon affliction : le seul soulagement dont je suis capable, est la confiance qui me reste, que cet accident ne changera rien à nos affections, et que vous me conserverez les vôtres aussi entières, que je vous conserverai les miennes. Je me remets du surplus au sieur Colbert mon ambassadeur.

NOTE DDDD, p. 117.

The letters patent by which Louis XIV. grants the domain of Aubigni to Mademoiselle de Querouaille, and after her to one of the illegitimate sons of Charles II., to be named by that prince.

Louis, par la grace de dieu roi de France et de Navarre, à tous présens et à venir, salut. La terre d'Aubigni-sur-Niére, dans notre province de Berri, ayant été donnée dès l'année 1422, par le roi Charles VII., l'un de nos prédécesseurs, à Jean Stuart, comme une marque des grands et considérables services qu'il avoit rendus dans la guerre à ce roi et sa couronne, et cette donation ayant été accompagnée de condition que ladite terre d'Aubigni passeroit de mâle en mâle à tous les descendans dudit Jean Stuart, avec reversion à notre couronne lorsque la branche masculine qui seroit venue de lui seroit éteinte, ce cas porté par lesdites lettres de donation est arrivé l'année dernière, par la mort de notre cousin le duc de Richemont, dernier de la ligne masculine dudit Jean Stuart. Mais, parceque cette terre ayant été, durant tant d'années, dans une maison qui avoit l'honneur d'appartenir de si près à notre très-cher et très-aimé frère le roi de la Grande-Bretagne, ledit roi nous auroit fait témoigner qu'il seroit bien aise qu'à cette considération nous voulussions bien la faire passer à une personne qu'il affectionneroit, et rentrer après elle dans une maison qui fût encore unie par le sang à la sienne; qu'à ce sujet il nous auroit fait requérir que nous voulussions bien accorder nos lettres de donation de ladite terre d'Aubigni-sur-Niére à la dame . . . . de Kerouel, duchesse de Portsmouth, pour passer après sa mort à tel des enfans naturels de notre frère le roi de la Grande-Bretagne qu'il voudra nommer, sous les mêmes clauses et conditions que la même terre fut premièrement donnée par le roi Charles VII. en 1422 au susdit Jean Stuart, et que ladite terre étant passée à tel fils naturel dudit roi de la Grande-Bretagne qu'il aura voulu nommer, elle demeure audit fils naturel, et à ses descendans de mâle en mâle, avec droit de reversion à notre couronne, au défaut d'enfans mâles et par l'extinction de la ligne masculine, qui seroit sortie de lui. Comme nous embrassons avec plaisir les occasions qui se presentent de donner à notre dit frère le roi de la Grande-Bretagne des marques de notre amitié et de l'extrême considération que nous avons pour ce qu'il désire, et que nous avons aussi bien agréable qu'une terre qui étoit demeurée durant tant d'années dans une maison si illustre, retourne en quelque sort à son origine en passant un jour entre les mains d'un fils naturel de notre dit frère, nous avons bien voulu disposer de ladite terre d'Aubigni en la manière que nous avons été requis par notre susdit frère le roi de la Grande-Bretagne.

A ces causes, savoir faisons que de notre grace spéciale, pleine puissance, et autorité royale, nous avons à ladite dame . . . . de Kerouel, duchesse de Portsmouth, et après elle à celui des fils naturels de notre dit frère le roi de la Grande-Bretagne qu'il nommera, et aux des descendans mâles en ligne directe dudit fils naturel, donné, cédé, transporté, et délaissé, donnons, cédons, transportons, et délaissons par ces présentes signées de notre main, le fonds et propriété de la terre d'Aubigni, avec tous et un chacun ses droits, appartenances et dépendances, pour en jouir et user par ladite duchesse, et après son décès celui des fils naturels dudit roi de la Grande-Bretagne qu'il nom-

mera, et les descendans mâles en droit ligne dudit fils naturel, comme de leur propre chose et loyale acquêt, tout ainsi que nous ferions, sans aucune chose en retenir et réserver à nous et à nos successeurs rois, que les foi et hommage, ressort et souveraineté, à condition toutefois que ladite terre d'Aubigni, avec ses appartenances et dependances, retournera à notre domaine au defaut des mâles descendans en droite ligne du fils naturel qui aura été nommé par le susdit roi de la Grande-Bretagne.

Si donnons en mandement à nos amés et féaux les gens tenans notre cour de parlement et chambre de nos comptes à Paris, que ces présentes lettres de don ils les aient à enregistrer, et du contenu en icelles faire jouir et user pleinement, paisiblement et à toujours ladite dame . . . . de Kerouel, duchesse de Portsmouth, et après elle le fils naturel qui ledit roi de la Grande-Bretagne nommera, et les descendans mâles en droite ligne dudit fils naturel, cessant et faisant cesser tous troubles et empêchemens à ce contraires.

Car tel est notre plaisir : et afin que ce soit ferme et stable à toujours, nous avons fait mettre notre sceau à cesdites présentes, sauf en autre chose notre droit et l'autrui en toutes. Donné à Saint-Germain-en-Laye, au mois de Décembre, l'an de grace 1673, et de notre règne le trente-unième. — Œuvres de Louis XIV. tom. vi. p. 453.

NOTE EEEE, p. 202.

On Feb. 11, 1679, Oates, and on Feb. 15, Bedloe, delivered in accounts of the expenses incurred by them "on occasion of the service of his majesty and the kingdom." It is impossible to read them without admiring the effrontery of these men. Oates, an acknowledged pauper, had the face to insert the following charges :—"*Item*, for a watch to present to the archbishop of Tuam when at Madrid, 8*l*. 10*s*.—*Item*, for gloves and knives to present to the rector of St. Omers, 2*l*. 1*s*.—*Item*, for books which the Jesuits had of me, 40*l*.—Money owed to me by the Jesuits, 80*l*.—*Item*, my manuscript of the Alexandrian version of the Septuagint, which I gave them, 50*l*.—*Item*, for my expenses from the 17th of June to February 8, 338*l*. 16*s*." Making with several other charges the sum of 678*l*. 12*s*. 6*d*. Bedloe's account is equally curious, but more moderate. It amounts only to 213*l*.—See Brief History, iii. p. 121—124.

NOTE FFFF, p. 248.

Lord Stafford.

The three following letters of this unfortunate nobleman, copied from the originals, will perhaps interest some of my readers.

They were written by him from the Tower. The first to his daughter Ursula, a nun in the English convent of Canonesses of St. Augustine in Louvain, is dated the 14th of July, a time when the immolation of so many

victims to the perjuries of Titus Oates taught the Catholic lords in the Tower to tremble for their own lives.

"From the Tower, July 14, 1679.

"GOOD DAUGHTER,

"I know the misfortune that I am in is a greate greife unto you, but I pray give yourselfe this assurance, that it is come upon me by my misfortune, and not by any faulte of myne, I being totally innocent of what I am so unjustly accused of, as I doute not but to make appeare by the grace of God: in the meane time and allways I doe most willingly and cherefully submitt to his holy will, beseeching him most humbly to grante me grace to make that good use that I ought to doe. I am ever,

"Your most affectionate Father,

"W."

"My most humble service to all your good company: this bearer Nicola can tell you particularly of our healths."

The next letter is without date, but was plainly written soon after he had received judgment of death.

"GOOD DAUGHTER,

"I know you will beare what happens to me with patience and resignation. I thanke God that I knowe myself, in ever kind innocent, and that I have confydence in Gods merceys, and doute not but through the mercy and passion of our Savior, to obtain everlasting happynesse. I pray God blesse you. I am,

"Your affectionate Father,

"For Ursula." "WILLIAM."

About the same time he wrote the following letter to the countess of Arundel:—

"MADAM, I beseech God preserve you, and make you happy, I pray let yo^r Lord know that I do count myselfe very much obliged unto him, and wish him as well as may be. I pray let him know that I have the sword that was our great ancestor's att the battle of Flodden field, with w^ch we have a tradition in our ffamily hee killed the king of Scotland. This sword was always much esteemed by my father. I do now give it unto yo^r Lord, my nephew. I have taken order it shall be brought unto him. I give it upon this condition and no other, that he leave it to the heirs males of himself, w^ch I hope will be many, and their heirs males; for want of such, unto my nephew Thomas his brother, and for want of his heirs males to return unto my heirs.

"God bless you all! I am near my death, and with that will averre my innocence, that am

"Your Lad^ps ffaithfull humble

"Serv^t and Unkle,

"WILLIAM HOWARD."

"For my Lady

"The Countesse of Arundell."

The original is in the possession of Philip H. Howard, Esq., of Corby Castle. The sword was deposited in the Heralds' Office, and is supposed to have been, not that with which James IV. of Scotland was slain, but that which he wore at the battle of Flodden-field.

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